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TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 937—ZINC

[Conservation Order M-11-b, as Amended Sept. 5, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.3 *Conservation Order M-11-b—*
(a) *Scope of the order.* This order controls generally the use of zinc and zinc products. Under the order some uses are entirely prohibited, other uses are permitted free of any restriction, and still other uses are permitted but with a limitation on the amount of zinc and zinc products which may be used. Special restrictions may also be found in other orders of the War Production Board relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use any zinc or zinc products in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Zinc" means zinc metal which has been produced by an electrolytic, electro-thermic, or fire refining process. It includes zinc scrap, zinc metal produced from scrap, and any alloy in which the percentages of zinc metal by weight is more than 50%.

(2) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings, or dust.

(c) *Prohibited articles; List A.* The use by any person of zinc and zinc products in the manufacture of articles on List A of this order, and of parts for these articles, is prohibited. This prohibition includes the use of zinc and zinc products to apply any protective coating or plating (other than paint) of zinc to articles on List A. It does not include the use of zinc or zinc products in the manufacture of repair parts to replace similar parts of zinc, or to the protective coating of such repair and replacement parts.

(d) *Unrestricted articles and uses; List B.* There are set forth in List B of this order certain articles and uses for which zinc and zinc products may be used with no restriction insofar as this order is concerned. For articles on this list, other orders of the War Production Board may limit production; this order does not remove any such limitation, but merely authorizes free use of zinc and zinc products providing other orders of the War Production Board are not violated.

(e) *Restricted articles.* For articles not on either List A or List B, the use of zinc and zinc products is permitted, but with the following limitation on the amounts which may be used; namely, that no person shall in any calendar quarter use more:

(1) Zinc in the production of any zinc products not requiring further processing, assembling, or finishing; or

(2) Zinc products in the manufacture of any article or parts;

Than 20% of the amount by weight of zinc or zinc products used by him for the same purpose during the entire calendar year 1941. As in the case of List A articles (see paragraph (c) above), this restriction does not apply to the use of zinc or zinc products in the manufacture of repair parts to replace similar parts of zinc or to the protective coating of such parts.

(f) *General exceptions.* The prohibitions and restrictions in paragraphs (c)

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- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

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and (e) shall not apply to the use of zinc or zinc products for the manufacture of any items under a specific contract or sub-contract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(g) *Restrictions on sales and deliveries of zinc and zinc products.* No person shall sell or deliver any zinc or zinc products to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(h) *Exceptions under Priorities Regulation 25.* All requests for exceptions from the restrictions on use of zinc or zinc products in paragraphs (c) and (e) and List A must be filed under Priorities Regulation 25. Some other orders of the War Production Board contain restrictions on the use of zinc or zinc products. An authorization granted under Priorities Regulation 25 will not waive the other restrictions unless the order containing them or a direction to Priorities Regulation 25, states that it will. In the absence of such a statement, it is also necessary to get relief from the restrictions of the other order in the manner provided in that order.

(i) *Violation.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The use of zinc or zinc products in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing order.

- (1) Advertising novelties.
- (2) Andirons.
- (3) Ash trays.
- (4) Banks, personal toy, miniature.
- (5) Bookends.
- (6) Box openers.
- (7) Bulletin and menu boards, directories and similar items, and letters for same.
- (8) Calendar bases and holders.
- (9) Candlesticks.
- (10) Caskets, burial.
- (11) Cigar and cigarette lighters.
- (12) Coat hooks.
- (13) Compacts.
- (14) Cosmetic containers.
- (15) Costume jewelry.
- (16) Door chimes.
- (17) Fireplace fittings.
- (18) Grave markers.
- (19) Handbag fittings.
- (20) Jewelry cases.
- (21) Letter openers.

- (22) Lipstick holders.
- (23) List finders.
- (24) Lotion dispensers.
- (25) Merchandise displays.
- (26) Mirror frames.
- (27) Novelty jewelry.
- (28) Ornamental and decorative uses (whether or not the item is included in List A).
- (29) Paper coatings.
- (30) Paper weights.
- (31) Pen bases.
- (32) Perfume dispensers.
- (33) Picture frames.
- (34) Slugs and token of all kinds (except as permitted in List B of this order).
- (35) Smokers' accessories.
- (36) Soot removers (except as produced from scrap).
- (37) Souvenirs.
- (38) Spittoons.
- (39) Statues.
- (40) Vaults, burial.

List B

Zinc or zinc products may be used for any of the following articles or purposes with no restriction insofar as this Order is concerned except where the list otherwise indicates.

(1) For use to comply with safety regulations issued under government authority which require the use of zinc to the extent employed, or in safety equipment as defined by General Limitation Order L-114 where and to the extent the use of any less scarce materials is impractical.

(2) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical.

(3) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(4) For health supplies of the following types only:

- (i) Dental instruments, apparatus and equipment;
- (ii) Dental supplies and appliances;
- (iii) Lamps, health electric;
- (iv) Medicinal chemicals (limited to medical uses only);
- (v) Ophthalmic products and instruments;
- (vi) Physiotherapy products, electrical;
- (vii) Surgical and medical instruments, equipment and supplies;
- (viii) Orthopedic appliances;
- (ix) X-Ray apparatus and tubes.

(5) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes.

(6) For stamping and forming dies.

(7) For use as zinc dust in the following:

- (i) Metal refining and recovery;
- (ii) Smoke mixtures;
- (iii) Rubber processing;
- (iv) Chemicals for medicinal products;
- (v) Sodium hydrosulfite and sulfoxylate and zinc hydrosulfite;
- (vi) Dyestuffs, intermediates and dyes;
- (vii) Electroplating;
- (viii) Lubricating pipe joint compounds.

(8) For adjustable stencils for marking shipments and products.

(9) For applying a protective coating or plating (other than paint) except where prohibited by paragraph (c) of this order.

(10) For dry cell batteries and portable electric lights.

(11) For printing plates.

(12) For the manufacture of zinc oxide.

(13) For eyelets and grommets.

(14) For universal portable electric tools.

(15) For portable pneumatic tools which, in the course of normal use, are lifted, held, and operated by not more than two persons.

(16) For light power driven tools.

(17) For data, instruction and identification plates.

- (18) For air compressors.
- (19) For airline, water, and oil separators.
- (20) For air regulators, as part of spraying equipment.

(21) For closures for glass containers.

(22) For repair parts to replace similar parts of zinc.

(23) For motors, electric.

(24) For pulleys for power transmission.

(25) For flexible couplings.

(26) For coal stokers.

(27) For domestic electric ranges.

(28) For closures and associated items as defined by General Limitation Order L-68.

(29) For electric fans.

(30) For mechanical pencils.

(31) For motorized fire apparatus.

(32) For air brakes.

(33) For communication equipment.

(34) For condensers.

(35) For fare boxes for public conveyances.

(36) For sterilizer equipment.

(37) For temperature, humidity, and pressure control devices.

(38) For textile machinery.

(39) For industrial turbines.

(40) For fire protective, signal and alarm equipment.

(41) For builder's finishing hardware as defined by General Limitation Order L-236, Schedules I and II.

(42) For research, developmental or experimental activities. Zinc or zinc products may be used to make experimental models or test runs, but only the minimum number of models or minimum size run needed to determine the suitability of the item for commercial production. Such models or materials shall not be distributed for the purpose of promoting sales or creating a consumer demand for such items, nor shall such item designed primarily for future civilian markets, be exhibited to the public. Research, developmental or experimental activities in connection with products or materials designed primarily for future civilian markets must be carried on without diverting any manpower, technical skill, or facilities from activities connected with the war effort.

(43) For plumbing fixtures, fittings and trim.

(44) For can openers.

[F. R. Doc. 44-13606; Filed, Sept. 5, 1944; 11:53 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-575, Reinstatement and Amendment]

ATLAS FURNACE & ENGINEERING, INC.

The Atlas Furnace & Engineering, Inc., of Minneapolis, Minnesota, a corporation engaged in the business of cleaning and repairing furnaces and heating apparatus and in installing new heating systems was suspended on July 22, 1944 by Suspension Order No. S-575. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on August 3, 1944. The appeal has been considered by the Chief Compliance Commissioner who has concluded that the present suspension order might permanently affect the business of the respondent in a manner unforeseen, and has therefore directed that the stay be terminated, the suspension order be reinstated and that the suspension order

be amended. In view of the foregoing: It is hereby ordered, that

Section 1010.575, *Suspension Order No. S-575* issued July 15, 1944, and effective July 22, 1944, be and hereby is reinstated as of September 4, 1944 and shall expire December 24, 1944; the stay of execution directed by the Chief Compliance Commissioner on August 3, 1944, be and hereby is revoked as of September 4, 1944; and that the suspension order be and hereby is amended by substituting for the present paragraph (b) the following:

(b) Deliveries of material to Atlas Furnace and Engineering, Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, except those ratings authorized by CMP Regulation No. 9a, or unless hereafter specifically authorized in writing by the War Production Board.

Issued this 4th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13568; Filed, Sept. 4, 1944; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-607]

MIDWEST HEATER CO.

Midwest Heater Company, a Nebraska corporation with its principal place of business at Omaha, Nebraska, is engaged in the business of manufacturing direct fired gas and electric water heaters. Between January 15, 1943, and July 28, 1943, respondent produced, fabricated and assembled 247 gas fired water heaters to fill contracts or orders which were not for the account of the National Housing Authority or for war housing requirements, in violation of General Limitation Order L-185. Between July 1, 1943, and February 25, 1944, it manufactured, fabricated, assembled and installed metal jackets on 755 gas fired water heaters in violation of General Limitation Order L-185. Between June 17, 1943, and March 25, 1944, the corporation produced and transferred physical possession and title to 259 electric water heaters which were not in fulfillment of preferred orders, in violation of General Limitation Order L-65. In the third and fourth quarters of 1943, the respondent failed to return unused or excess portions of allotments, and used allotments for purposes not authorized, in violation of CMP Regulation No. 1. In addition, the respondent failed to file reports required by L-65, and failed to keep accurate and complete records as required by General Limitation Order L-65, General Limitation Order L-185, Priorities Regulation No. 1, and CMP Regulation No. 1.

These violations arose through the gross negligence of the president of the corporation in his failure to make any efforts to familiarize himself with the orders and regulations of the War Production Board affecting his business. As a result of these violations, critical materials have been diverted from the war effort to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.607 *Suspension Order No. S-607.*

(a) Midwest Heater Company, its successors and assigns, shall not manufacture or assemble any direct fired water heaters as defined and governed by General Limitation Order L-185, unless hereafter specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Midwest Heater Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation, including allotments, shall be made to Midwest Heater Company, its successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Midwest Heater Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on September 2, 1944, and shall expire on January 2, 1945.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13505; Filed, Sept. 2, 1944;
4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-613]

BARRY & ZETZEL SHOE CO.

Maurice Barry and Samuel Zetzel, doing business as Barry & Zetzel Shoe Company, 11 Liberty Square, Lynn, Massachusetts, are manufacturers of civilian footwear. From June, 1943, to July, 1944, they put into process leather and fabric for the manufacture of, and manufactured 72,505 pairs of civilian footwear, although they had no quota as required by Conservation Order M-217 and, therefore, acted in violation of the order. Some of the footwear so manufactured were Roman sandals with multiple straps and prohibited by Conservation

Order M-217. Maurice Barry and Samuel Zetzel knew of the requirements of Conservation Order M-217 and their actions were wilful violations of that order.

These violations of Conservation Order M-217 have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

§ 1010.613 *Suspension Order No. S-613.*

(a) Neither Maurice Barry nor Samuel Zetzel, whether doing business as Barry & Zetzel Shoe Company or otherwise, their and its successors or assigns, shall manufacture any civilian footwear as defined in or governed by Conservation Order M-217, as amended from time to time, without specific written authorization from the War Production Board.

(b) The prohibitions contained herein shall apply severally to Maurice Barry and Samuel Zetzel (doing business as Barry & Zetzel Shoe Company or under any other name), their and its successors or assigns, or persons acting on their or its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Maurice Barry and Samuel Zetzel, whether doing business as Barry & Zetzel Shoe Company or otherwise, their and its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13500; Filed, Sept. 2, 1944;
4:16 p. m.]

PART 1226¹—GENERAL INDUSTRIAL
EQUIPMENT

INDUSTRIAL AND COMMERCIAL REFRIGERATION
AND AIR CONDITIONING MACHINERY AND
EQUIPMENT

Limitation Order L-126, Schedule I as
Amended Sept. 5, 1944]

§ 1226.12¹ *Schedule I to Limitation Order L-126—(a) Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles self-contained drinking water coolers for supplying drinking water for human consumption.

(2) "Self-contained" means a single cabinet or housing for a drinking water cooler containing or manufactured to contain two or more of the following assemblies:

(i) Water cooling low side or evaporator with or without controls.

(ii) Bubbler valve fountain assembly or assemblies, or glass- or pitcher-filler assembly or assemblies.

¹ Formerly Part 1071, § 1071.3.

(iii) Electric refrigeration condensing unit with or without controls.

(3) [Revoked Sept. 5, 1944.]

(4) [Revoked Sept. 5, 1944.]

(b) *Required specifications.* Pursuant to Limitation Order L-126 the following required specifications are hereby established for self-contained drinking water coolers:

(1) [Revoked Sept. 5, 1944.]

(2) *Restrictions of materials.* (i) In the manufacture of self-contained drinking water coolers, no producer shall use:

(a) [Revoked Sept. 5, 1944.]

(b) Block tin tubing, or tin coatings;

(c) Alloy steel, stainless steel, monel, or other nickel alloy metals, except in refrigerant and electric controls, and then only provided that such use is limited to the minimum amount practicable;

(ii) In the manufacture of self-contained drinking water coolers (exclusive of condensing units, motors, controls, and wiring) no producer shall use copper or copper base alloy except in the following parts:

(a) Low sides,

(b) Pre-coolers,

(c) Bubblers,

(d) Water valves,

(e) Water lines,

(f) Liquid and suction lines,

(g) Refrigerant or temperature controls,

(h) Glass- or pitcher-fillers; and the aggregate weight of copper or copper base alloy used in all of such parts contained in any such water coolers shall not exceed ten (10) pounds, plus an additional ½ pound for each gallon of water cooled per hour based on an ambient temperature of 90° F. while reducing water from 80° F. inlet to 50° F. outlet.

(c) *Exceptions from (b) (2).* The restrictions in paragraph (b) (2) shall not prohibit the production, delivery, and acceptance of self-contained drinking water coolers, for use aboard ship, delivered to or for the account of, and for direct use by, the United States Army, or Navy, the Maritime Commission, or the War Shipping Administration, where (a) such coolers are manufactured in accordance with plans which have already (prior to July 3, 1942) been drawn and accepted by or for the account of such an agency, or (b) such coolers are manufactured in accordance with the specifications issued prior to July 3, 1942, by such an agency (including performance specifications) requiring materials not in accordance with the restrictions of this schedule; but in any case such coolers may vary from the restrictions of the schedule only to the extent required by such plans or specifications.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13605; Filed, Sept. 5, 1944;
11:53 a. m.]

PART 1260—RUBBER PROCESSING MACHINERY AND EQUIPMENT

[General Limitation Order L-143-a as Amended Sept. 5, 1944]

The fulfillment of requirements of the national defense has created a shortage in the supply of certain critical materials used in the manufacture of rubber processing machinery and equipment for the national defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1260.2 General Limitation Order L-143-a—(a) *Definitions*. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Rubber processing machinery or equipment" means machinery or equipment of the kinds listed in Groups I, II, III, IV and V, of List A, designed for use in the manufacture of products from natural crude rubber, latex, reclaimed rubber, scrap rubber, and all types of synthetic rubber. The term also means and includes any such machinery or equipment (except "plastics molding machinery" and "fixtures" controlled by Allocation Order L-159) for experimental use or for use in the manufacture of products from plastics or rubber substitutes. The term does not mean or include "retreading, recapping and repair equipment," which is subject to the provisions of General Limitation Order L-61.

(3) [Deleted Sept. 5, 1944.]

(4) [Deleted Sept. 5, 1944.]

(5) [Deleted Sept. 5, 1944.]

(6) [Deleted Sept. 5, 1944.]

(7) [Deleted Sept. 5, 1944.]

(8) [Deleted Sept. 5, 1944.]

(b) *Production and delivery*. No person shall manufacture or deliver any new rubber processing machinery or equipment except to fill orders in accordance with the following restrictions:

Any order for new rubber processing machinery or equipment may be accepted, but orders which are not specifically rated on Form WPB-1277 or scheduled under paragraph (c) shall be treated as unrated orders.

Orders classified as "unrated" may be filled by a supplier only to the extent that he is able to do so without interfering with, or in any way delaying, his production or shipment of orders specifically rated on Form WPB-1277 or orders scheduled under paragraph (c).

Blanket MRO ratings or other forms of priorities assistance (except as authorized on Form WPB-1277) may not be used to obtain new rubber processing machinery or equipment. MRO ratings may, however, be used to the

extent authorized by other War Production Board orders and regulations, for the purpose of obtaining parts for the maintenance and repair of machinery or equipment.

(c) *Scheduling and shipping directions*. (1) The War Production Board may from time to time request all the manufacturers of a particular item of rubber processing machinery or equipment to file operation reports and schedules of unfilled orders. When so requested, each manufacturer shall file forms WPB-3100 and WPB-3101 in accordance with the instructions accompanying them. Form WPB-3101 will be returned to the manufacturer with shipping directions noted thereon and shall be deemed a "frozen" schedule within the meaning of Priorities Regulation 18 for the number of calendar months designated by the War Production Board.

(2) Each manufacturer must make shipments in accordance with his frozen schedule, notwithstanding any other preference order, directive or regulation of the War Production Board, but subject to Priorities Regulation 18, and must so schedule his production as to meet the shipping dates prescribed in his frozen schedule.

(3) If a manufacturer is unable, for reasons beyond his control, to fulfill his frozen schedule on time, or if he is able to make shipments ahead of schedule, he must in either case make shipments, as far as practicable, in the same sequence as required by the schedule. In any case where the delay or acceleration in shipments will affect dates of shipment by more than 15 days, the manufacturer shall notify the War Production Board of the following facts:

(i) The reason for the delay or acceleration.

(ii) The revised dates on which he expects to make shipments under each purchase order affected.

(4) In the absence of specific shipping directions issued pursuant to this paragraph (c), any manufacturer shall produce rubber processing machinery or equipment, and make shipments thereof in fulfillment of orders authorized pursuant to paragraph (b) of this order, in accordance with applicable preference ratings, allotments, regulations or directions issued by the War Production Board.

(d) *Application for preference rating*. Any person who requires new rubber processing machinery or equipment to fulfill essential Government or civilian orders may apply for a preference rating on Form WPB-1277 in accordance with the instructions accompanying the form. If a preference rating is granted, the applicant may use the rating only to obtain new rubber processing machinery or equipment specified on the form, by certifying to the supplier named in his application, in substantially the following form:

The undersigned hereby certifies, subject to the criminal penalties for misrepresenta-

tion contained in section 35 (A) of the United States Criminal Code, that he has been granted a preference rating of _____ on Form WPB-1277, Case No. _____, for the acquisition of the particular rubber processing machinery or equipment specified in the attached purchase order or contract.

Date:

Signature and Title of Authorized Official

A dealer who accepts an order certified under this paragraph may extend the rating to his supplier by using the general form of certification specified in Priorities Regulation 7.

(e) [Deleted Sept. 5, 1944.]

(f) [Deleted Sept. 5, 1944.]

(g) *Miscellaneous provisions*

(1) [Deleted Sept. 5, 1944.]

(2) *Applicability of regulations*. This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(3) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Office of Rubber Director, Washington 25, D. C., Ref.: L-143-a.

(5) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) [Deleted Sept. 5, 1944.]

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

GROUP 1—BASIC RUBBER PROCESSING MACHINERY (INCLUDING LABORATORY SIZES)

Bale cutters	Crackers
Washers	Grinders
Refiners	Tubing machines
Mills	(extruders)
Plasticators	Cement mixers
Masticators	Dispersion mixers
Banbury mixers	Aprons for mixing
Calenders	mills
Strainers	Mill take-off devices
Automatic Mill Mixing Devices	

GROUP II—TIRE AND TUBE MAKING EQUIPMENT

Spreaders
Bias cutters
Slitters
Let-off stands
Bead making machines
Bead covering machines
Bead flippers
Bead winders
Bead cutters
Bead piping machines
Stock servicers & turrets
Festooning machines
Tire building machines
Band & pocket building machines
Tire cores & drums
Bead locaters (or setting rings)
Stitchers
Debaggers and extractors
Vacuum expanders
Mechanical baggers & expanders
Molds, tire & tube
Molds, airbag
Matrices
Curing rings
Curing ring presses
Equalizer plates
Tube mandrels
Tread & tube cutters
Tube splicers
Valve applying machines
Tube testing devices
Vulcanizers, all types
Tire cleaners
Tire balancing machines
Tire inspection machines
Buffers, curing bag
Tire wrapping machines
Cord dipping, saturating and drying equipment

GROUP III—INSULATED WIRE & CABLE MACHINERY

Rubber covering machines
Vulcanizers, all types
Strainers
Extruders (tubing machines)

GROUP IV—MECHANICAL GOODS EQUIPMENT

[NOTE: "Brushing machines" and "Dusting machines" deleted Sept. 5, 1944]

Belt making machines
V-Belt covering machines
Belt slitters
Belt stretchers
Belt vulcanizing presses
Coating machines
Cutting machines (all types for rubber products & rubberized fabrics)
Hose covering machines
Hose making machines
Hose wrapping machines
Lining strippers
Spreaders
Hydraulic presses, vulcanizing, all types
Vulcanizers, all types
Rag rollers
Tubers

GROUP V—DRUG & SURGICAL SUNDRIES & RUBBER FOOTWEAR

Dipping machines
Trimmers
Hydraulic presses, vulcanizing
Presses, dieing out or preforming
Rubber outsole cutting machines
Vulcanizers, all types

[F. R. Doc. 44-13599; Filed, Sept. 5, 1944; 11:52 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended Sept. 5, 1944]

NEWSPAPERS

§ 3133.6 *Limitation Order L-240—(a)*
The purpose of this order. This order

does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports customarily filed by the publisher with the Audit Bureau of Circulations will be controlling, in the absence of special circumstances. Thus, if a publisher filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241, Schedule II. If a publisher issued a free distribution newspaper in 1941, his consumption quota shall be determined in accordance with Schedule II to Order L-241 and that order shall

govern even if the circulation of the publication has subsequently been changed in whole or in part to a net paid basis.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A roll of print paper is considered "used" when it is first opened and placed in production.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location. However, it does not include print paper shipped by water and held in warehouse by a paper manufacturer or merchant as part of the inventory of the manufacturer or merchant; such paper does not become part of a publisher's inventory until it is delivered to him.

(i) *Transfer of quotas—(1) Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L-241 (commercial printing), L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print

paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k), plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (1), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota—(1) Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 4% of the amount over 25 tons but not over 125 tons.

(ii) Deduct 8% of the amount over 125 tons but not over 250 tons.

(iii) Deduct 12% of the amount over 250 tons but not over 500 tons.

(iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.

(v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(8) *Adjustment for print paper lighter than 32-pound basis weight.* Beginning July 1, 1944, if a publisher orders print paper lighter than 32-pound basis weight, his consumption quota for the current calendar quarter shall be reduced proportionately as follows: First, determine the percentage by which 32-pound paper exceeds such lighter paper in weight. Second, multiply the tonnage of lighter paper so ordered by this percentage. Third, subtract the result from the publisher's consumption quota. For example, if a publisher has a consumption quota of 200 tons and orders 100 tons of 30-pound basis weight paper, his consumption quota shall be reduced by 6 2/3 tons, since 32-pound paper is 6 2/3% heavier than 30-pound paper.

(9) *Borrowing for 14th Sunday.* Inasmuch as there are 14 Sundays in the fourth quarter of 1944 and only 12 in the first quarter of 1945 the publisher of a Sunday newspaper may deduct the tonnage of print paper consumed in his December 31, 1944 issue from his first quarter 1945 consumption quota rather than his fourth quarter 1944 consumption quota.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota in any succeeding quarter.

(m) *Exceptions for small newspapers.* Excepted from the provisions of paragraph (k) are certain small newspapers and special types of newspapers described in this paragraph (m).

(1) During the third calendar quarter of 1944, the restrictions on the consumption of print paper established by this order do not apply to:

(i) *Special types of newspapers.* Any newspaper containing 8 pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-

union, professional, literary, historical, and scientific organizations and societies.

(ii) *Newspapers using less than 25 tons per quarter.* Any newspaper which shall consume less than 25 tons of print paper in the third calendar quarter, regardless of the tonnage of paper consumed previously. The publisher of any such newspaper is authorized, in addition, to increase his permitted usage by the tonnage of print paper consumed in printing copies of his newspaper furnished to the Armed Services of the United States, whether such copies are sold or are distributed free of charge.

(2) Beginning October 1, 1944, paragraph (m) (1) shall be inoperative and thereafter the consumption quotas of small newspapers and special types of newspapers described in this paragraph (m) (2) shall be computed as follows:

(i) *Special types of newspapers.* Any newspaper containing 8 pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical and scientific organizations and societies shall have a consumption quota of print paper in any calendar quarter equal to either its average quarterly consumption of print paper in the first three calendar quarters of 1944 or its consumption of print paper in the corresponding calendar quarter of 1943, whichever is greater. Having selected one of these two methods, the publisher must use that method thereafter.

(ii) *Small newspapers.* Any person may use or cause to be used in the publication of a newspaper during any calendar quarter a tonnage of print paper equal to 1 1/4 tons multiplied by the number of days per week on which the newspaper is published. For example, any person may use 1 1/4 tons of print paper per calendar quarter for the publication of a weekly newspaper, 2 1/2 tons per calendar quarter for the publication of a semi-weekly newspaper, etc. It makes no difference whether the publisher used that much paper, or any paper, in the publication of a newspaper during any previous period.

(iii) *Other newspapers using less than 25 tons per quarter.* If, prior to October 1, 1944, a publisher used less than 25 tons of print paper per calendar quarter for civilian readers, his quarterly consumption quota shall be equal to either his average quarterly consumption of print paper for civilian readers in the first three calendar quarters of 1944 or his consumption of print paper for civilian readers in the corresponding calendar

quarter of 1943, whichever is greater. Having selected one of these two methods, the publisher must use that method thereafter. The publisher of any such newspaper is authorized, in addition, to increase his permitted usage by the tonnage of print paper which shall be consumed in printing copies of his newspaper sold to United States Armed Services personnel on a subscription basis and copies sold to units of the United States Armed Services or organizations, which distribute them exclusively to service men, *Provided, however,* That such additional tonnage shall not exceed in any calendar quarter either his average quarterly consumption of print paper in the first three calendar quarters of 1944 for copies furnished to United States Armed Services personnel or his consumption of print paper for such copies in the corresponding calendar quarter of 1943, whichever is greater. Having selected one of these two methods, the publisher must use that method thereafter.

Delivery Quota

(n) *Computation of delivery quota.* In August 1944, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the third and fourth quarters of 1944. Add the ex-quota tonnage, if any, which may have been granted on appeal for use in the third and fourth quarters of 1944. Subtract the publisher's consumption in July 1944. Divide by 5.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, at the end of the current calendar year, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut,	Nebraska.
District of Columbia,	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	Georgia.
Arizona.	Idaho.
Arkansas.	Louisiana.
California.	Montana.
Colorado.	Mississippi.
Florida.	New Mexico.

Nevada.	Tennessee.
North Carolina.	Texas.
Oklahoma.	Utah.
Oregon.	Washington.
South Carolina.	Wyoming.

[NOTE: Last sentence of subparagraph (2) deleted Sept. 5, 1944.]

(3) *Exclusions.* In computing the maximum tonnage which a publisher may have in his inventory, he shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters. He shall also exclude print paper which he has received by Great Lakes or coastal water-borne shipments; provided on May 1 of any calendar year he shall have on hand or available for use not more than (i) a 40 days' supply if he is located in one of the states named on List A above, or (ii) more than a 65 days' supply if he is located in one of the states named in List B above and provided further that no publisher may order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and closed navigation seasons) in excess of his delivery quota for that calendar year.

[Paragraphs (4), (5), (6), and (7), formerly (3), (4), (5), and (6) redesignated Sept. 5, 1944]

(4) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the first six months of 1944.

(5) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload it may be increased to one full carload. If it is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(6) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(7) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 5 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in

publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (n) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(p) *Certification.* On and after December 24, 1943, each order by a publisher for delivery of print paper shall contain substantially the following certification, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, and to receive the item(s) ordered for the purpose for which ordered.

No person may deliver print paper to a publisher except upon a delivery order which bears the above certification.

(q) *Copies of orders.* On and after March 1, 1944, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board copies of all orders for the delivery of print paper placed by him or for his account. Such copies must be mailed within three days after the orders are placed. On or before March 15, 1944, every such publisher shall mail to the War Production Board copies of all orders for the delivery of print paper placed by him or for his account since January 1, 1944. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(r) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(s) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(t) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(u) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in duplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(v) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(w) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked Dec. 24, 1943.

INTERPRETATION 2: Revoked Dec. 24, 1943.

INTERPRETATION 3: Revoked Dec. 24, 1943.

[F. R. Doc. 44-13598; Filed, Sept. 5, 1944;
11:52 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2 as Amended Sept. 5, 1944]

INVENTORIES

§ 3175.2 *CMP Regulation 2—(a) Definitions.* For the purposes of this regulation:

(1) "Item of controlled material" means any item in any class of controlled material listed in the attached Schedule A which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, finish, method of manufacture, etc.

(2) "User of controlled material" means any person, including government operated consuming establishments, who uses any item of controlled material for production, construction, operating supplies, or maintenance or repair.

(b) *General maximum inventory limitation.* (1) No user of controlled material shall, after April 1, 1943, accept delivery of any item of controlled material if his inventory of such item is, or will by virtue of such acceptance become, greater than the quantity of such item he will be required by his current practices to put into use during the succeeding 60-day period for production, construction, operating supplies, or main-

tenance or repair, in order to carry out his authorized operations. The provisions of this subparagraph shall not apply to the acceptance of delivery of controlled material if the delivery is made under a specific direction of the War Production Board issued pursuant to paragraph (t) (3) (iii) of CMP Regulation 1 and the person accepting delivery, in the course of his operations, will convert such controlled material into another form of controlled material.

(2) The War Production Board may, by specific inventory direction, fix longer or shorter periods or otherwise vary the inventory limits under subparagraph (1) of this paragraph (b), for any specified person or class of persons. Any such action will be governed by the principle that inventories of materials are to be kept at the minimum consistent with sound production practice.

(3) Nothing in this regulation shall be deemed to permit any person to accept delivery of any item of controlled material if his inventory of such item is, or will by virtue of such acceptance become, in excess of a minimum practicable working inventory thereof.

(c) *Exceptions to paragraph (b).* Notwithstanding the provisions of paragraph (b), any person may accept delivery of material in excess of the prescribed limits under the following circumstances.

(1) If any producer of controlled material exercises his privilege under CMP Regulation No. 1 of making delivery prior to the delivery date specified by the user of controlled material, such delivery may be accepted and the prescribed limits exceeded to the extent that such excess results from such prior delivery.

(2) If a user of controlled material has promptly instructed a producer or other supplier to reduce, postpone, or cancel a delivery, and the material has been shipped or loaded for shipment before receipt of such instruction, delivery of such material may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery. *Provided,* The producer or supplier promptly advises such user why the delivery has been made despite the receipt of reduction, postponement, or cancellation instructions.

(3) If a user of controlled material would be authorized under paragraph (b) to accept delivery of a quantity of an item of controlled material less than the minimum shown opposite the appropriate class of controlled material on the attached Schedule A, he may accept delivery of the full minimum shown on Schedule A.

(4) If a user of controlled material has promptly instructed a producer to reduce or postpone a delivery of a special item which cannot be readily disposed of in the course of the producer's business, and the producer advises such user that he has already started production thereof, specifying the minimum quantity which he will have to complete in the light of the production he has started, such user may accept delivery of such minimum quantity and exceed the prescribed limits to the extent that such excess results from such delivery. This exception ap-

plies only to the acceptance of delivery of such special items before they are needed and not to acceptance of such special items which will not be needed at all.

(d) *Scheduling of deliveries.* Every user of controlled material must apply for allotments, schedule deliveries, and place orders in such manner that deliveries may be made without violating the provisions of this regulation. If by reason of change in authorized operations, slowing or stoppage of production, delayed delivery by a producer or other supplier, or other cause, a person who has ordered material for future delivery would, if he accepted delivery on the dates specified, exceed the limits prescribed by this regulation, he shall promptly revise and adjust his applications, outstanding orders and scheduled deliveries and, if necessary, postpone or cancel the same, directly or through his claimant agencies, so that deliveries will conform to this regulation.

(e) *Separate inventories.* (1) In determining his inventory, a person shall include all controlled material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) A person who has more than one operating unit may divide his operations and apply this regulation to each division independently, but he may not thereafter change such divisions without specific authorization of the War Production Board. Any person who has been operating under the Production Requirements Plan shall continue to divide his operations in the same manner as under that plan to the extent that such division is consistent with this paragraph.

(f) *Geographical application.*—This regulation shall not apply to persons outside the forty-eight states and the District of Columbia except pursuant to specific direction of the War Production Board.

(g) *Prohibited deliveries.* No person shall deliver any item of controlled material if he knows or has reason to believe that acceptance of such delivery would be in violation of this regulation.

(h) *Redistribution of excess inventories.* Excess inventories of controlled materials, including inventories of materials which are not in such form as to be usable by the holder, shall be subject to redistribution to other persons by voluntary action, pursuant to Priorities Regulation No. 13, or if necessary, through requisitioning by the War Production Board.

(i) *Reports.* Users of controlled materials, including government operated consuming establishments, shall file such reports on Form CMP-7 or other designated forms, as may be required from time to time by the War Production Board.

(j) *Appeals.* Any person affected by this regulation who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, Redistribution Division, Reference: CMP Regulation No. 2, setting

forth the pertinent facts and the reasons he considers he is entitled to relief.

(k) *Miscellaneous provisions*—(1) *Applicability of other orders and regulations*. All persons affected by this regulation shall remain subject to all applicable provisions of other War Production Board regulations and orders as amended from time to time.

(2) *Communications*. All communications concerning this regulation shall be addressed to: War Production Board, Redistribution Division, Washington, D. C., Reference: CMP Regulation No. 2.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

[Note: Schedule A amended in its entirety Sept. 5, 1944.]

If a user of controlled material would be authorized under paragraph (b) to accept delivery of a quantity of an item of controlled material less than the minimum shown opposite the appropriate class of controlled material on the following schedule, he may accept delivery of the full minimum shown on the schedule. He may not thereafter accept a further delivery of that item until his inventory of that item is within the limitations of paragraph (b).

Class of controlled material

ALUMINUM	Minimum quantity ¹ lbs.
Cable (electrical transmission only).....	2,000
Ingot (excluding ingot for aluminum castings, sheet, plate, strip, rod, bar, extrusions, and powder).....	2,000
Extruded shapes—whichever is the smallest of the following:	
(1) A six months' supply of the particular extruded shape;	
(2) A quantity of the particular extruded shape sufficient to complete a contract; or	
(3) The following quantities of the particular extruded shape:	
Weight of individual extruded shape per linear foot:	
Up to ½ lb. inclusive per foot.....	100
Over ½ lb. to 1 lb. inclusive per foot.....	200
Over 1 lb. to 2 lbs. inclusive per foot.....	350
Over 2 lbs. to 4 lbs. inclusive per foot.....	500
Over 4 lbs. to 8 lbs. inclusive per foot.....	750
Over 8 lbs. per foot.....	1,000
Rivets.....	50
All other controlled material forms of aluminum.....	500

COPPER AND COPPER BASE ALLOYS

All controlled material forms of copper and copper base alloy.....	500
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¹ If the minimum mill quantity of any item of controlled material stated in Schedule IV of CMP Regulation 1 is greater than the amount of that item stated in this list, a user who is purchasing that item from a producer may accept delivery of the minimum mill quantity specified in Schedule IV.

Class of controlled material—Continued

STEEL	Minimum quantity ¹ lbs.
Carbon steel (including wrought iron):	
Ingots, billets, blooms, slabs, tube rounds, skelp and sheet and tin bars, rails and track accessories, structural shapes and piling, wheels and axles.....	56,000
All other controlled material forms of carbon steel.....	10,000
Alloy steel—including stainless:	
Steel castings.....	2,000
Alloy tubing:	
Airframes and engine tubing.....	5,000
Other alloy tubing up to 7½" O. D.....	10,000
Other alloy tubing over 7½" O. D.....	20,000
All other controlled material forms of alloy steel.....	10,000
² Or 10,000 ft. or a minimum mill production run, whichever is least.	
³ Or a minimum mill production run whichever is the smaller.	

INTERPRETATION 1

INVENTORY MATERIAL

Paragraph (b) (1) of CMP Regulation No. 2 prohibits the acceptance of delivery of any item of controlled material if the user's inventory of such item is, or will by virtue of acceptance become, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently the inventory of castings includes those painted and stored.

If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. [Issued June 19, 1943.]

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 2

PROMPT CANCELLATION AND SPECIAL ITEMS

(a) CMP Regulation No. 2 requires a user of controlled material to promptly cancel, postpone, or reduce delivery when his requirements of controlled materials are reduced. Such cancellations must be made as rapidly after he discovers that his requirements are reduced as is practicable.

(b) Paragraph (c) (4) of the regulation permits the receipt of a special item of controlled material in greater amounts than presently needed under the following circumstances: (1) if the user has promptly in-

structed the producer to reduce or postpone the delivery of the item and (2) if the user has received from the producer a statement that the item is a special item on which production has been begun and that the producer must complete a minimum amount in order to prevent undue loss in production. This exception applies only to special items the user will need and does not permit acceptance of items which will not be needed at all.

(c) Before a producer may deliver such special items he must notify his customer in writing that the item is a special item stating the amount which is the minimum amount he must complete without undue loss of production. The customer is entitled to rely on this notice and need make no further inquiries. A special item, as the term is used in the regulation, means one that the producer does not usually make, stock or sell, and which he cannot readily dispose of in the course of his business. An item which is a special item to one producer may not be a special item to another producer.

(d) The producer, on receipt of a notice from his customer to reduce or postpone delivery, must be diligent in taking the special item out of his schedule or in stopping production if it has already been started. [Issued March 20, 1944.]

INTERPRETATION 3

EFFECT OF REDUCTION IN CONSUMPTION RATE OF PERMITTED INVENTORIES

(a) Paragraph (b) of CMP Regulation No. 2 prohibits the acceptance of delivery of an item of controlled material if a person's inventory will become, because of the delivery, or already is, in excess of the amount permitted by the regulation. Priorities Regulation No. 1, §944.14, makes a similar restriction. If material is acquired within these restrictions, neither regulation prohibits the mere possession of an inventory if a change in circumstances makes it greater than the amount they permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically, the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of steel until his inventory has been reduced below 10 tons (except as provided in paragraphs (c) (2) and (c) (4) of CMP Regulation No. 2, relating to material already shipped and special items).

(b) Similarly, the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between them and by contract law. [Issued June 14, 1944.]

[F. R. Doc. 44-13604; Filed, Sept. 5, 1944; 11:53 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Revocation of Inventory Direction 10]

ALLOY STEEL AIRFRAME AND ENGINE TUBING

Section 3175.1010 *Inventory Direction 10 to CMP Regulation 2* is hereby revoked. Schedule A of CMP Regula-

tion 2 has been amended to incorporate the provisions of this direction.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13603; Filed, Sept. 5, 1944;
11:53 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN**

[CMP Reg. 2, Revocation of Inventory
Direction 16]

**ALLOY STEEL TUBING OTHER THAN AIRFRAME
AND ENGINE TUBING**

Section 3175.116 *Inventory Direction 16 to CMP Regulation 2* is hereby revoked. Schedule A of CMP Regulation 2 has been amended to incorporate the provisions of this direction.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13602; Filed, Sept. 5, 1944;
11:53 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN**

[CMP Reg. 2, Revocation of Inventory
Direction 19]

**ALUMINUM AND ALUMINUM ALLOY EXTRUDED
SHAPES**

Section 3175.119 *Inventory Direction 19 to CMP Regulation 2* is hereby revoked. Schedule A of CMP Regulation 2 has been amended to incorporate the provisions of this direction.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13601; Filed, Sept. 5, 1944;
11:52 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN**

[CMP Reg. 1, Direction 56]

**ELIMINATION OF FORMS IN WHICH ALUMI-
NUM IS ALLOTTED**

The following directive is issued pursuant to CMP Regulation 1:

(a) Allotments of aluminum will no longer be made in the eight forms formerly specified in Schedule I of CMP Regulation 1. Allotments will be made only in terms of "aluminum" without further specification. However, applications for allotments must continue to be made in terms of the eight forms.

(b) A person who has received an allotment in terms of the eight forms may combine such allotments into one account and may thereafter allot to his suppliers in terms of "aluminum" without further specification, and, in placing authorized controlled material orders for aluminum, may charge against such single account irrespective of the forms or shapes ordered. If a person

receives an allotment in one or more of the specified shapes, he may treat it as an allotment of "aluminum" without regard to such shapes.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13600; Filed, Sept. 5, 1944;
11:52 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 2, as Amended
Sept. 4, 1944]

**SAWMILLS' SHIPMENTS FROM WESTERN PINE
REGION**

The following direction is issued pursuant to Order L-335:

(a) *What sawmills are covered by this direction.* This direction applies only to sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota which produce the following species of lumber: Ponderosa pine, sugar pine, lodgepole pine, Idaho White pine and white fir (except Idaho white pine and white fir produced west of the crest of the Cascade mountain range in the States of Oregon and Washington), Western white spruce, and Engelmann spruce.

(b) *Military orders placed with sawmills that take precedence over other orders.* This paragraph applies to every sawmill mentioned in paragraph (a) above which currently produces 10,000 or more board feet of lumber (whether one of the named species or not) per average day of eight hours of continuous operation or which produced an average of 10,000 or more board feet of lumber per day during the days from June 3, 1943 to December 3, 1943 on which it was in operation. Starting with the month of August, 1944, sawmills that receive orders of the types described in paragraph (c) below must accept and ship such orders in preference to all other orders (except orders rated AAA) to the extent that such orders do not require more than 20 percent of the sawmill's anticipated monthly shipments. Such an order may not be accepted by a sawmill after the beginning of the month preceding the month of shipment if the acceptance of the order would result in displacing other certified and rated orders amounting to more than 10 percent of the sawmill's anticipated monthly shipments. A sawmill's shipment on such orders shall be in the sizes required by the agency or person placing the order.

(c) *Military orders.* The following types of certified and rated orders placed with a sawmill shall be accorded the treatment provided for in paragraph (b) above and shipments made on such orders may be credited against the percentage that a sawmill is required to ship under that paragraph in preference to other orders:

(1) Orders for the account of the United States Government placed by the U. S. Army, U. S. Navy, U. S. Marine Corps, U. S. Coast Guard, U. S. Maritime Commission, and War Shipping Administration;

(2) Orders for the account of the United States Government placed by the Treasury Department, Procurement Division on behalf of the Foreign Economic Administration bearing the symbol DA-TPS;

(3) Orders placed by any other persons which bear a certification of the Central Procuring Agency, Procurement Division of the United States Corps of Engineers to the effect

that the lumber purchased thereby is for the use of one of the agencies mentioned in subparagraph (1) of this paragraph, or is for "command construction" or "advance base procurement". A person who receives such a certification from the Central Procuring Agency may extend that certification in placing orders with his supplier to the extent necessary to obtain the lumber required for delivery on the order bearing the original certification of the Central Procuring Agency.

[NOTE: Undesignated paragraph deleted Sept. 4, 1944]

(d) *Other military orders.* The amount of lumber that must be made available to the military on orders receiving the preferential treatment described in paragraph (b) is the minimum and a sawmill must continue to accept other orders coming from the same sources for lumber in excess of the required percentage mentioned in paragraph (b) in accordance with paragraphs (x) (1) and (x) (2) of Order L-335, but orders placed with a sawmill over and above the required 20 percent shall be treated like any other order and they will not take precedence over other orders which are equally or higher rated.

(e) *Sawmills producing less than 10,000 board feet not getting certified orders may ship on uncertified orders.* Any sawmill defined in paragraph (a) which is smaller than the type of sawmill included in paragraph (b) must accept certified orders (whether military or not) of consumers and distributors offered it in accordance with paragraphs (x) (1) and (x) (2) of Order L-335 but if such a sawmill has not been offered certified orders for all of its lumber it may ship the balance to lumber distributors on uncertified and unrated orders. A shipment of lumber on a distributor's uncertified and unrated orders must not be made if it will interfere with the filling of a certified order. Retail sales by sawmills are subject to the provisions of paragraphs (u) and (v) of Order L-335 and the provisions of Directions Nos. 6, 8, and 8 (a) to Order L-335.

Issued this 4th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13564; Filed, Sept. 4, 1944;
8:21 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 8a]

**TEMPORARY PROVISIONS RELATING TO THE
DELIVERY OF CERTAIN LUMBER ON UNCER-
TIFIED AND UNRATED ORDERS.**

The following direction is issued pursuant to Order L-335:

(a) *What this direction does.* This direction permits lumber distributors to deliver to "all other consumers" accumulated stocks of slow moving items which are not adaptable to war uses if the delivery of such lumber does not interfere with the filling of certified orders. It also permits sawmills and distributors in certain areas to dispose of their excess stocks of Douglas fir, larch, and Red cedar to farmers in those areas when they are not required to fill certified orders.

(b) *Sale of inventory by distributors.* Any lumber distributor as defined in paragraph (b) of Direction 8 to Order L-335 is authorized to deliver to "all other consumers" as defined in paragraph (m) of Order L-335 on uncertified and unrated orders up to an amount of lumber not exceeding $\frac{1}{3}$ of his

lumber inventory as of September 1, 1944. Delivery of this lumber may be made at any time between September 1 and December 31, 1944. However, no lumber in the grades of No. 2, No. 3, or No. 4 common in Idaho White pine, Ponderosa pine or Sugar pine may be delivered under the above provision. This direction makes no provision for replacement of lumber in inventory which is sold under this paragraph.

(c) *Delivery of Douglas fir, larch, and Red cedar to farmers.* Any Douglas fir, larch, or Red cedar produced east of the Cascade mountain range in the States of Washington and Oregon and in the States of California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota may be sold by sawmills and lumber distributors on uncertified and unrated orders of farmers located in the States of Washington, Oregon, California, Arizona, New Mexico, Nevada, Utah, Colorado, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Iowa, and Minnesota. For the purposes of this direction a "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees, or poultry. It does not include a person who has

just a "victory garden" or a person who raises food or other agricultural products entirely for his own use.

(d) *Deliveries may not interfere with filling of certified orders.* No delivery may be made under the provisions of this direction if the delivery will interfere with the filling of a certified order.

Issued this 4th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13565; Filed, Sept. 4, 1944;
3:21 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Supp. VI to Schedule A]

The following Supplement VI to Schedule A is issued pursuant to Conservation Order M-328B. (§3290.120a.)

KNIT GOODS PROGRAM No. 4

Item No.	Items	Sizes	Yarns
<i>Hosiery</i>			
1.....	Infant's long ribbed hose.....	3 to 5½	Cotton.
2.....	Infant's half socks.....	4 to 6½	Cotton.
3.....	Boys' half socks and crew socks.....	7 to 11½	Cotton.
4.....	Boys' golf socks.....	7 to 11½	Cotton.
5.....	Children's ¾ and ¾ hose.....	6 to 10½	Cotton.
6.....	Men's work socks.....	Finished weight not less than 1½ pounds per dozen.	Cotton.
<i>Underwear</i>			
7.....	Children's waist suits.....	2 to 12	Cotton.
8.....	Children's vests and pants.....	2 to 16	Cotton.
9.....	Children's and infant's sleepers and gowns.....	0 to 12	Cotton.
10.....	Infant's shirts, wrappers and bands.....	0 to 6	Cotton.
11.....	Infant's pants.....	1 to 6	Cotton.
<i>Women's outside tuckstitch underwear</i>			
12.....	Women's tuckstitch vests.....	46 to 56	Cotton.
13.....	Women's tuckstitch pants, knee length.....	46 to 56	Cotton.
14.....	Women's tuckstitch pants, ¾ length.....	46 to 56	Cotton.

Application Form WPB-3732,
Filing Date September 15, 1944.

The above items are required to be produced during October, November and December 1944.

Priorities assistance will be given only for cotton yarn.

Applicants should base their estimated production on their present labor and machinery.

Each applicant whose application is granted is required to produce the items within the same price lines within which he produced these items in the corresponding calendar quarter of 1942 (base period); and the proportion of his production of each item within each price line to his entire production of the item (under this program) shall be the same as his production of the item within each price line in the base period was to his total production of the item in the base period. The whole or part of a quota of any item within any price line may be shifted from a higher to a lower price line, but not from a lower to a higher price line. "Price line" means the manufacturer's sale price for an item.

Applications that are not completely and accurately filled out may be denied.

Issued this 5th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13597; Filed, Sept. 5, 1944;
11:52 a. m.]

Subchapter D—Office of Rubber Director

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3668, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Direction 1]

COMMUNICATIONS, REPORTS, APPLICATIONS AND AUTHORIZATIONS

The following direction is issued pursuant to Rubber Order R-1:

Wherever Rubber Order R-1 as amended August 25, 1944 (including Appendixes), requires communications, reports or applications to the Office of the Rubber Director, War Production Board, they shall be made to the War Production Board and where the order requires any authorization to be obtained from the "Rubber Director, War Production Board" an authorization from the "War Production Board" shall be sufficient.

Issued this 4th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13569; Filed, Sept. 4, 1944;
4:30 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 97]

CHANGES IN REFERENCES IN CERTAIN REGULATIONS, ORDERS OR OTHER DOCUMENTS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.125 *Changes in references in certain regulations, orders or other documents.* (a) All references to Maximum Price Regulation No. 165 as amended, Services, in Supplementary or Revised Supplementary Service Regulations heretofore issued, and in all other Office of Price Administration regulations, orders or other documents heretofore issued shall henceforth be deemed to be references to Revised Maximum Price Regulation No. 165 (Services), unless the context of such references clearly otherwise requires.

(b) In all instances in supplementary or revised supplementary service regulations heretofore issued where reference is made to those sections of Maximum Price Regulation No. 165 as amended, Services, which are listed in the left hand column of the chart below, such reference shall hereafter be deemed to refer to the comparable sections of Revised Maximum Price Regulation No. 165 (Services) which are listed in the right hand column of the chart below.

MPR 165 as amended:	RMPR 165 section
§ 1499.102.....	4 and 5
§ 1499.103.....	6
§ 1499.103 (footnote 2).....	6 (footnote 3)
§ 1499.108.....	14
§ 1499.108 (a).....	14 (a)
§ 1499.108 (b).....	14 (b)
§ 1499.114 (d).....	16 (a)
§ 1499.114 (f).....	16 (b)
§ 1499.116.....	23

(c) In all other regulations, orders or documents issued heretofore by the Office of Price Administration where reference is made to the sections of Maximum Price Regulation No. 165 as amended, Services, such references shall be deemed to refer to the comparable sections of Revised Maximum Price Regulation No. 165 (Services), unless the context of such references clearly otherwise requires.

This Supplementary Order No. 97 shall become effective as of August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13593; Filed, Sept. 5, 1944;
11:49 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1316—COTTON TEXTILES

[RPS 35, Amdt. 24]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Price Schedule No. 35 is amended in the following respect:

In § 1316.61 (b) (4), Table III, other than the footnotes, is amended to read as follows:

TABLE III—SHEETING YARN GROUP

(Specifications for the types and classes of cloth listed herein are set forth in Table III-A)

SPOT COTTON PRICE—20.37¢ PER POUND

Type and class of cloth:	Cents per pound ¹
Sheetings:	
Class A.....	43.00
Class B.....	44.00
Class C.....	45.50
Drills: ²	
Class A.....	41.50
Class B.....	42.50
Class C.....	43.50
Class D.....	44.50
Class E.....	45.50
Three-leaf jeans ³	48.00
Four-leaf twills: ^{4,5}	
Class A.....	42.00
Class B.....	43.00
Class C.....	45.50
Class D.....	46.00
Osnaburgs: ^{4,5}	
Class A.....	34.00
Class B.....	35.00
Class C.....	36.00
Class D.....	37.00
Class E.....	37.50

This amendment shall become effective September 5, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13590; Filed, Sept. 5, 1944;
11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 8 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Supplement 7 to Food Products Regulation No. 1 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7700, 9278, 9838, 10038.

² 9 F.R. 9493, 9613, 10194.

1. The table in section 1 (a) is amended by adding item 9 to read as follows:

Column 1 Item No.	Column 2 Product	Column 3 Section	Column 4	
			Section	Appendix
9.....	Tomatoes....	5	15	E

2. In section 15, Appendix E is added to read as follows:

APPENDIX E—TOMATOES

Explanation of how maximum prices for packed tomatoes are figured. For packed tomatoes, the order in which conversions are to be made for grade and container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement differs from that specified in the note at the beginning of section 5 (a) (2). In figuring maximum prices for packed tomatoes under those subparagraphs, steps are to be taken in the order indicated below in all cases (although in many cases not all of the steps are necessary):

1. Convert for container size.
2. Add the permitted increase specified in Table 3 for the grade sold in the base period.
3. Convert for grade.
4. Apply the limitations of the price range.
5. Convert for container type and size.
6. Subtract subsidy payable per unit of the finished product, for sales to purchasers other than government procurement agencies.

Conversions from metal containers to glass containers must be made after applying the

limitations of the price range (see step 5) and not in base period prices, since permitted increases and price ranges are based on cost increase and base period price data for metal containers only. The processor must first construct a maximum price for the item when packed in metal containers and then add (or subtract) the appropriate amount named in Table 6, even though he sold the item in glass containers during the base period.

TABLE 1—AREAS

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Warren, Forest, Erie, Crawford and Venango Counties) and New Jersey.
2. Maryland, Delaware and Southern Pennsylvania (all of the State of Pennsylvania not included in Area 1).
3. Virginia.
4. West Virginia, Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas and Missouri.
5. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Oklahoma, Texas and Arkansas.
6. Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.
7. Oregon, Washington and California.

TABLE 2—BASE PERIOD PRICES

All areas: Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED TOMATOES WHO MADE SALES DURING THE BASE PERIOD

Area and grade	No. 2 cans		No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
Area 1:						
Fancy whole.....	\$0.43	\$1.00-\$1.70	\$0.59	\$2.05-\$2.27	\$2.02	\$6.63-\$7.33
Fancy.....	.42	1.52-1.62	.57	1.94-2.16	1.97	6.25-6.95
Extra standard.....	.38	1.25-1.35	.52	1.64-1.86	1.78	5.73-6.23
Standard.....	.36	1.12-1.22	.49	1.43-1.65	1.69	4.92-5.56
Substandard.....	.34	1.02-1.12	.46	1.25-1.47	1.60	4.42-5.06
Area 2:						
Fancy whole.....	.33	1.41-1.53	.45	1.89-2.09	1.55	6.29-6.97
Fancy.....	.32	1.33-1.45	.43	1.78-1.98	1.50	5.91-6.59
Extra standard.....	.30	1.17-1.31	.41	1.60-1.72	1.41	5.32-6.00
Standard.....	.29	1.05-1.13	.39	1.46-1.58	1.36	4.83-5.51
Substandard.....	.28	.95-1.03	.38	1.28-1.40	1.32	4.33-5.01
Area 3:						
Fancy whole.....	.30	1.33-1.51	.41	1.85-1.95	1.41	5.65-6.35
Fancy.....	.29	1.25-1.43	.39	1.74-1.84	1.32	5.27-5.97
Extra standard.....	.27	1.12-1.26	.37	1.57-1.65	1.27	4.82-5.52
Standard.....	.26	1.04-1.10	.35	1.42-1.50	1.22	4.35-5.05
Substandard.....	.25	.94-1.00	.34	1.24-1.32	1.18	3.85-4.55
Area 4:						
Fancy whole.....	.37	1.40-1.58	.50	1.85-2.07	1.74	6.18-6.86
Fancy.....	.36	1.32-1.50	.49	1.74-1.96	1.69	5.80-6.48
Extra standard.....	.34	1.19-1.33	.46	1.60-1.78	1.60	5.30-6.07
Standard.....	.33	1.11-1.17	.45	1.50-1.60	1.55	4.81-5.69
Substandard.....	.32	1.01-1.07	.44	1.32-1.42	1.50	4.51-5.19
Area 5:						
Fancy whole.....	.32	1.36-1.48	.44	1.81-1.91	1.50	5.89-6.59
Fancy.....	.31	1.28-1.40	.42	1.70-1.80	1.46	5.61-6.21
Extra standard.....	.29	1.15-1.23	.39	1.56-1.64	1.36	5.06-5.76
Standard.....	.28	1.01-1.09	.38	1.38-1.46	1.32	4.57-5.27
Substandard.....	.27	.91-.99	.37	1.20-1.28	1.27	4.07-4.77
Area 6:						
Fancy whole.....	.38	1.44-1.56	.47	1.82-1.92	1.54	6.13-6.83
Fancy.....	.37	1.36-1.48	.46	1.71-1.81	1.50	5.75-6.45
Extra standard.....	.35	1.23-1.31	.43	1.53-1.63	1.42	5.34-5.70
Standard.....	.34	1.17-1.25	.42	1.47-1.57	1.38	4.98-5.48
Substandard.....	.33	1.07-1.15	.41	1.29-1.39	1.34	4.48-4.98
Area 7:						
Fancy whole.....	.43	1.64-1.76	.63	2.07-2.21	1.74	6.63-7.07
Fancy.....	.41	1.55-1.68	.61	1.95-2.10	1.66	6.25-6.69
Extra standard.....	.37	1.42-1.54	.46	1.74-1.88	1.50	5.70-6.36
Standard.....	.33	1.25-1.31	.41	1.51-1.59	1.34	4.88-5.28
Substandard.....	.30	1.15-1.21	.37	1.33-1.41	1.22	4.38-4.78

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED TOMATOES DURING THE BASE PERIOD

Area and grade	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy whole.....	\$1.05	\$2.15	\$6.98
Fancy.....	1.57	2.05	6.60
Extra standard.....	1.30	1.75	5.98
Standard.....	1.17	1.54	5.24
Substandard.....	1.07	1.36	4.74
Area 2:			
Fancy whole.....	1.47	1.99	6.63
Fancy.....	1.39	1.88	6.25
Extra standard.....	1.24	1.66	5.66
Standard.....	1.09	1.52	5.17
Substandard.....	.99	1.34	4.67
Area 3:			
Fancy whole.....	1.42	1.90	6.00
Fancy.....	1.34	1.79	5.62
Extra standard.....	1.19	1.61	5.17
Standard.....	1.07	1.46	4.70
Substandard.....	.97	1.28	4.20
Area 4:			
Fancy whole.....	1.49	1.96	6.52
Fancy.....	1.41	1.85	6.14
Extra standard.....	1.26	1.69	5.73
Standard.....	1.14	1.55	5.35
Substandard.....	1.04	1.37	4.85
Area 5:			
Fancy whole.....	1.42	1.86	6.24
Fancy.....	1.34	1.75	5.86
Extra standard.....	1.19	1.60	5.41
Standard.....	1.05	1.42	4.92
Substandard.....	.95	1.24	4.42
Area 6:			
Fancy whole.....	1.50	1.87	6.33
Fancy.....	1.42	1.76	5.95
Extra standard.....	1.27	1.58	5.52
Standard.....	1.21	1.52	5.23
Substandard.....	1.11	1.34	4.73
Area 7:			
Fancy whole.....	1.70	2.14	6.85
Fancy.....	1.62	2.03	6.47
Extra standard.....	1.48	1.81	6.03
Standard.....	1.28	1.55	5.08
Substandard.....	1.18	1.37	4.58

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS (PART 1) AREAS 1-5, INCLUSIVE

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor	No. 1 Picnic	No. 2	No. 2½	No. 10
No. 1 Picnic.....			1.56	2.12	7.33
No. 2.....	.64			1.36	4.70
No. 2½.....	.47		.74		3.48
No. 10.....	.14		.21	.29	

(PART 2) AREAS 6 AND 7

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor	No. 1 tall	No. 303	No. 2	No. 2½	No. 10
No. 1 Tall.....				1.20	1.49	4.87
No. 303.....				1.18	1.46	4.77
No. 2.....	.83		.85		1.24	4.05
No. 2½.....	.67		.69	.81		3.27
No. 10.....	.21	.21	.25	.31		

TABLE 6—CONVERSION FROM TIN TO GLASS

(Dollars per dozen containers)

If you can figure a price for a can size in this column	To get a price for a glass container size in this column
No. 2½ can.....	2½ glass—add \$0.15 per dozen.
No. 2½ can.....	303 glass—subtract \$0.13 per dozen.

TABLE 7—GRADE DIFFERENTIALS

In each case in figuring prices based on grade differentials, if the processor has base prices for both a higher and lower grade than the item being priced, he shall use

the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

[Differences between successive grades (per dozen containers)]

Area	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy whole and fancy.....	\$0.08	\$0.11	\$0.38
Fancy and extra standard.....	.27	.30	.62
Extra standard and standard.....	.13	.21	.74
Standard and substandard.....	.10	.18	.50
Area 2:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.15	.22	.59
Extra standard and standard.....	.15	.14	.49
Standard and substandard.....	.10	.18	.50
Area 3:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.15	.18	.45
Extra standard and standard.....	.12	.15	.47
Standard and substandard.....	.10	.18	.50
Area 4:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.15	.16	.41
Extra standard and standard.....	.12	.14	.38
Standard and substandard.....	.10	.18	.50
Area 5:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.15	.15	.45
Extra standard and standard.....	.14	.18	.49
Standard and substandard.....	.10	.18	.50
Area 6:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.15	.18	.43
Extra standard and standard.....	.06	.06	.29
Standard and substandard.....	.10	.18	.50
Area 7:			
Fancy whole and fancy.....	.08	.11	.38
Fancy and extra standard.....	.14	.22	.44
Extra standard and standard.....	.20	.26	.95
Standard and substandard.....	.10	.18	.50

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

[All areas and grades]

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies.

Container size:	Amount to be subtracted
No. 1—Picnic.....	\$0.08
No. 1—Tall.....	.10
No. 303.....	.10
No. 2.....	.12
No. 2½.....	.16
No. 10.....	.54

This amendment shall become effective at 12:01 a. m. September 5, 1944.

Issued this 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13556; Filed, Sept. 4, 1944; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 279, Amdt. 3]

HOPS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 279 is amended in the following respects:

1. Section 1 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹⁸ F.R. 11586, 12443.

¹⁹ F.R. 1721.

SECTION 1. Purpose of the regulation. The purpose of this regulation is to establish maximum prices for sales of all varieties of Pacific Coast hops and sales of all varieties of the 1943 and subsequent years' crops of New York State hops. This regulation does not apply to sales of hop oils, hop concentrates and other hop derivatives. The maximum prices for sales of those commodities are covered by the General Maximum Price Regulation. Sales of lupulin, as well as sales of New York State hops prior to the 1943 crop, remain exempt from price control. Sales of packaged hops by sellers at retail, other than packers, are exempted from the provisions of this regulation.

2. Section 2 is amended to read as follows:

SEC. 2. General definitions. (a) When used in this regulation, the term

(1) "Hops" means the dried cones (strobiles) of the cultivated varieties of hop plants (*humulus lupulus*). The term includes the following:

(i) "Baled hops" which means hops compressed in bales containing more than 150 pounds, dry weight, of such hops.

(ii) "Packaged hops" which means hops packed in containers holding not more than one pound, dry weight, of such hops.

(iii) "Pacific Coast hops" which means hops produced in the States of California, Idaho, Oregon and Washington.

(iv) "New York State hops" which means hops produced in the State of New York.

(2) "Person" includes an individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

(3) "Grower" means a person who produces hops on a farm or ranch (excluding grower dealers and grower cooperatives).

(4) "Dealer" means a person whose business customarily includes the purchase of hops from growers for resale to the brewing trade generally and to brewers supply dealers, and who customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally. The term does not include brewers supply dealers but does include the following:

(i) "Grower cooperative" which means a non-profit organization acting on behalf of its grower members and selling hops produced by such members to brewers supply dealers or to the brewing trade generally; and which has received authorization from the Office of Price Administration to price as a grower cooperative. The authorization will be granted by the Office of Price Administration, Washington, D. C., by letter or order to any organization making application therefor if it can be shown that: (a) The organization with respect to hops, is engaged primarily in the

business of marketing hops for its grower members; (b) the organization customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally; and markets hops in the manner customarily followed by dealers generally; (c) the organization is in full compliance with the requirements of Supplementary Order No. 84,¹ issued by the Office of Price Administration.

(ii) "Grower dealer" which means (a) a person whose business includes the production of hops on farms and ranches and the purchase of hops from other growers; whose total annual sales of hops customarily include at least 35% (in pounds, dry weight) of hops purchased from other growers; who customarily sells at least 50% (in pounds, dry weight) of his total annual sales direct to brewers; or (b) who sold at least 75% of his own production of the 1942 crop of hops to brewers; and (c) who customarily maintains a permanent sales office and

sales personnel for sales of hops to the brewing trade generally.

(5) "Brewers supply dealer" means a person who customarily resells hops to brewers; who prior to December 5, 1942 customarily and regularly engaged in the business of selling hops, diverse equipment, supplies or services to brewers; and whose annual sales of hops to brewers do not exceed 30% of his total annual sales of all commodities and services to brewers.

(6) "Packer" means a person who packs hops in packages containing not more than one pound, dry weight, of such hops and includes sellers of packaged hops which are packaged by a person to whom the seller supplies the hops for packaging.

3. Section 3 (d) is redesignated section 3 (e) and a new section 3 (d) is added to read as follows:

(d) *Maximum prices for Pacific Coast baled hops of the 1944 and subsequent*

years' crops—(1) *Growers' maximum prices.* A grower's maximum price, f. o. b. grower's farm, warehouse or place of business, for sales of the 1944 and subsequent years' crops of Pacific Coast baled hops of the particular classification stated on the inspection certificate required under section 10, shall be the price shown in Table I, below, for sales by growers of hops of the same specifications, plus any inspection fee or charge paid by the grower, as provided in section 8.

(2) *Dealers' maximum prices.* A dealer's maximum price, f. o. b. Pacific Coast shipping point, for sales of the 1944 and subsequent years' crops of Pacific Coast baled hops of the particular classification stated on the inspection certificate required under section 10, shall be the price shown in Table I, below for sales by dealers of hops of the same specifications, plus any inspection fee or charge paid by the dealer, as provided in section 8.

TABLE I

Leaf and stem content percent by weight	Less than 1 percent seeds by weight		1 percent seeds by weight		2 percent seeds by weight		3 percent seeds by weight		4 percent seeds by weight		5 percent seeds by weight		6 percent or more seeds by weight	
	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price
Less than 1.....	\$0.82	\$0.91	\$0.80	\$0.89	\$0.78	\$0.87	\$0.76	\$0.85	\$0.74	\$0.83	\$0.72	\$0.81	\$0.70	\$0.79
1.....	.81 $\frac{1}{2}$	.90 $\frac{1}{2}$	.79 $\frac{1}{2}$	.88 $\frac{1}{2}$	.77 $\frac{1}{2}$	.86 $\frac{1}{2}$	.75 $\frac{1}{2}$	.84 $\frac{1}{2}$	.73 $\frac{1}{2}$	.82 $\frac{1}{2}$	.71 $\frac{1}{2}$	.80 $\frac{1}{2}$	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$
2.....	.80 $\frac{1}{2}$	.89 $\frac{1}{2}$	.78 $\frac{1}{2}$	.87 $\frac{1}{2}$	.76 $\frac{1}{2}$	.85 $\frac{1}{2}$	.74 $\frac{1}{2}$	.83 $\frac{1}{2}$	.72 $\frac{1}{2}$	.81 $\frac{1}{2}$	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$
3.....	.79 $\frac{1}{2}$	.88 $\frac{1}{2}$	.77 $\frac{1}{2}$	.86 $\frac{1}{2}$	.75 $\frac{1}{2}$	.84 $\frac{1}{2}$	.73 $\frac{1}{2}$	.82 $\frac{1}{2}$	.71 $\frac{1}{2}$	.80 $\frac{1}{2}$	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$
4.....	.79	.88	.77	.86	.75	.84	.73	.82	.71	.80	.69	.78	.67	.76
5.....	.78 $\frac{1}{2}$	.87 $\frac{1}{2}$	.76 $\frac{1}{2}$	.85 $\frac{1}{2}$	.74 $\frac{1}{2}$	.83 $\frac{1}{2}$	.72 $\frac{1}{2}$	.81 $\frac{1}{2}$	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$
6.....	.77 $\frac{1}{2}$	.86 $\frac{1}{2}$	.75 $\frac{1}{2}$	.84 $\frac{1}{2}$	.73 $\frac{1}{2}$	.82 $\frac{1}{2}$	.71 $\frac{1}{2}$	.80 $\frac{1}{2}$	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$	.65 $\frac{1}{2}$	.74 $\frac{1}{2}$
7.....	.76 $\frac{1}{2}$	.85 $\frac{1}{2}$	.74 $\frac{1}{2}$	.83 $\frac{1}{2}$	.72 $\frac{1}{2}$	.81 $\frac{1}{2}$	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$
8.....	.76	.85	.74	.83	.72	.81	.70	.79	.68	.77	.66	.75	.64	.73
9.....	.75 $\frac{1}{2}$	.84 $\frac{1}{2}$	.73 $\frac{1}{2}$	.82 $\frac{1}{2}$	.71 $\frac{1}{2}$	.80 $\frac{1}{2}$	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$	.65 $\frac{1}{2}$	.74 $\frac{1}{2}$	.63 $\frac{1}{2}$	.72 $\frac{1}{2}$
10.....	.74 $\frac{1}{2}$	.83 $\frac{1}{2}$	.72 $\frac{1}{2}$	.81 $\frac{1}{2}$	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$	.62 $\frac{1}{2}$	.71 $\frac{1}{2}$
11.....	.73 $\frac{1}{2}$	.82 $\frac{1}{2}$	.71 $\frac{1}{2}$	.80 $\frac{1}{2}$	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$	.65 $\frac{1}{2}$	.74 $\frac{1}{2}$	.63 $\frac{1}{2}$	.72 $\frac{1}{2}$	.61 $\frac{1}{2}$	.70 $\frac{1}{2}$
12.....	.73	.82	.71	.80	.69	.78	.67	.76	.65	.74	.63	.72	.61	.70
13.....	.72 $\frac{1}{2}$	.81 $\frac{1}{2}$	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$	.62 $\frac{1}{2}$	.71 $\frac{1}{2}$	.60 $\frac{1}{2}$	.69 $\frac{1}{2}$
14.....	.70 $\frac{1}{2}$	.79 $\frac{1}{2}$	.68 $\frac{1}{2}$	.77 $\frac{1}{2}$	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$	.62 $\frac{1}{2}$	.71 $\frac{1}{2}$	.60 $\frac{1}{2}$	.69 $\frac{1}{2}$	.58 $\frac{1}{2}$	.67 $\frac{1}{2}$
15.....	.69 $\frac{1}{2}$	.78 $\frac{1}{2}$	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$	.65 $\frac{1}{2}$	.74 $\frac{1}{2}$	.63 $\frac{1}{2}$	.72 $\frac{1}{2}$	.61 $\frac{1}{2}$	.70 $\frac{1}{2}$	.59 $\frac{1}{2}$	.68 $\frac{1}{2}$	.57 $\frac{1}{2}$	.66 $\frac{1}{2}$
16.....	.67 $\frac{1}{2}$	.76 $\frac{1}{2}$	.65 $\frac{1}{2}$	.74 $\frac{1}{2}$	.63 $\frac{1}{2}$	.72 $\frac{1}{2}$	.61 $\frac{1}{2}$	.70 $\frac{1}{2}$	.59 $\frac{1}{2}$	.68 $\frac{1}{2}$	.57 $\frac{1}{2}$	.66 $\frac{1}{2}$	.55 $\frac{1}{2}$	.64 $\frac{1}{2}$
17.....	.66 $\frac{1}{2}$	.75 $\frac{1}{2}$	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$	.62 $\frac{1}{2}$	.71 $\frac{1}{2}$	.60 $\frac{1}{2}$	.69 $\frac{1}{2}$	.58 $\frac{1}{2}$	.67 $\frac{1}{2}$	.56 $\frac{1}{2}$	.65 $\frac{1}{2}$	.54 $\frac{1}{2}$	.63 $\frac{1}{2}$
18.....	.64 $\frac{1}{2}$	.73 $\frac{1}{2}$	.62 $\frac{1}{2}$	.71 $\frac{1}{2}$	.60 $\frac{1}{2}$	.69 $\frac{1}{2}$	.58 $\frac{1}{2}$	.67 $\frac{1}{2}$	.56 $\frac{1}{2}$	.65 $\frac{1}{2}$	.54 $\frac{1}{2}$	.63 $\frac{1}{2}$	.52 $\frac{1}{2}$	.61 $\frac{1}{2}$
19.....	.63 $\frac{1}{2}$	.72 $\frac{1}{2}$	.61 $\frac{1}{2}$	.70 $\frac{1}{2}$	.59 $\frac{1}{2}$	.68 $\frac{1}{2}$	.57 $\frac{1}{2}$	.66 $\frac{1}{2}$	.55 $\frac{1}{2}$	.64 $\frac{1}{2}$	.53 $\frac{1}{2}$	.62 $\frac{1}{2}$	.51 $\frac{1}{2}$	.60 $\frac{1}{2}$
20 or more.....														

¹ Subtract 3 cents for each 1 percent above 20 percent leaf and stem content.

(3) *Brewers' supply dealers' maximum prices.* A brewers supply dealer's maximum price, f. o. b. his local warehouse or place of business, for sales of the 1944 and subsequent years' crops of Pacific Coast baled hops shall be:

(i) The grower's maximum price in accordance with (1), above, for the particular quantity of hops to be priced, plus the amount of 9¢ per pound for such hops purchased by the brewer's supply dealer from a grower, or

(ii) The dealer's maximum price in accordance with (2), above, for the particular quantity of hops to be priced, plus the amount of 5¢ per pound for such hops purchased by the brewer's supply dealer from a dealer.

(iii) The brewer's supply dealer may add to the amount determined at (i) or (ii), above, the applicable amount of transportation costs, not including local

hauling and unloading charges, paid by the brewer's supply dealer with respect to the particular quantity of hops to be priced.

(4) *Brewers' maximum prices.* A brewer's maximum price, f. o. b. his platform or warehouse, for sales of the 1944 and subsequent years' crops of Pacific Coast baled hops, shall be his supplier's maximum price for the particular quantity of such hops to be priced, plus the applicable amount of transportation charges paid by the brewer.

4. Section 3 (f) is added to read as follows:

(f) *Maximum prices for New York State baled hops of the 1944 and subsequent years' crops*—(1) *Growers' maximum prices.* A grower's maximum price, f. o. b. grower's farm, warehouse or place of business, for sales of the 1944 and sub-

sequent years' crops of New York State baled hops of the particular classification stated on the inspection certificate required under section 10, shall be the price shown in Table II, below, for sales by growers of hops of the same specifications, plus any inspection fee or charge paid by the grower, as provided in section 8.

(2) *Dealers' maximum prices.* A dealer's maximum price, f. o. b. New York State shipping point, for sales of the 1944 and subsequent years' crops of New York State baled hops of the particular classification stated on the inspection certificate required under section 10, shall be the price shown in Table II, below, for sales by dealers of hops of the same specifications, plus any inspection fee or charge paid by the dealer, as provided in section 8.

TABLE II

Leaf and stem, content percent by weight	Less than 1 percent seeds by weight		1 percent seeds by weight		2 percent seeds by weight		3 percent seeds by weight		4 percent seeds by weight		5 percent seeds by weight		6 percent or more seeds by weight	
	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price	Grower's maximum price	Dealer's maximum price
Less than 1.....	\$1.15	\$1.24	\$1.13	\$1.22	\$1.11	\$1.20	\$1.09	\$1.18	\$1.07	\$1.16	\$1.05	\$1.14	\$1.03	\$1.12
1.....	1.14	1.23	1.12	1.21	1.10	1.19	1.08	1.17	1.06	1.15	1.04	1.13	1.02	1.11
2.....	1.13	1.22	1.11	1.20	1.09	1.18	1.07	1.16	1.05	1.14	1.03	1.12	1.01	1.10
3.....	1.12	1.21	1.10	1.19	1.08	1.17	1.06	1.15	1.04	1.13	1.02	1.11	1.00	1.09
4.....	1.11	1.20	1.09	1.18	1.07	1.16	1.05	1.14	1.03	1.12	1.01	1.10	.99	1.08
5.....	1.10	1.19	1.08	1.17	1.06	1.15	1.04	1.13	1.02	1.11	1.00	1.09	.98	1.07
6.....	1.09	1.18	1.07	1.16	1.05	1.14	1.03	1.12	1.01	1.10	.99	1.08	.97	1.06
7.....	1.08	1.17	1.06	1.15	1.04	1.13	1.02	1.11	1.00	1.09	.98	1.07	.96	1.05
8.....	1.07	1.16	1.05	1.14	1.03	1.12	1.01	1.10	.99	1.08	.97	1.06	.95	1.04
9.....	1.06	1.15	1.04	1.13	1.02	1.11	1.00	1.09	.98	1.07	.96	1.05	.94	1.03
10.....	1.05	1.14	1.03	1.12	1.01	1.10	.99	1.08	.97	1.06	.95	1.04	.93	1.02
11.....	1.04	1.13	1.02	1.11	1.00	1.09	.98	1.07	.96	1.05	.94	1.03	.92	1.01
12.....	1.03	1.12	1.01	1.10	.99	1.08	.97	1.06	.95	1.04	.93	1.02	.91	1.00
13.....	1.02	1.11	1.00	1.09	.98	1.07	.96	1.05	.94	1.03	.92	1.01	.90	.99
14.....	1.00	1.09	.98	1.07	.96	1.05	.94	1.03	.92	1.01	.90	.99	.88	.97
15.....	.98	1.07	.96	1.05	.94	1.03	.92	1.01	.90	.99	.88	.97	.86	.95
16.....	.96	1.05	.94	1.03	.92	1.01	.90	.99	.88	.97	.86	.95	.84	.93
17.....	.94	1.03	.92	1.01	.90	.99	.88	.97	.86	.95	.84	.93	.82	.91
18.....	.92	1.01	.90	.99	.88	.97	.86	.95	.84	.93	.82	.91	.80	.89
19.....	.90	.99	.88	.97	.86	.95	.84	.93	.82	.91	.80	.89	.78	.87
20 or more ¹														

¹ Subtract 3 cents for each 1 percent above 20 percent leaf and stem content.

(3) *Brewers supply dealers' maximum prices.* A brewers supply dealer's maximum price, f. o. b. his local warehouse or place of business, for sales of the 1944 and subsequent years' crops of New York State baled hops shall be:

(i) The grower's maximum price in accordance with (1), above, for the particular quantity of hops to be priced, plus the amount of 9¢ per pound for such hops purchased by the brewers supply dealer from a grower, or

(ii) The dealer's maximum price in accordance with (2), above, for the particular quantity of hops to be priced, plus the amount of 5¢ per pound for such hops purchased by the brewers supply dealer from a dealer.

(iii) The brewers supply dealer may add to the amount determined at (i) or (ii), above, the applicable amount of transportation costs, not including local hauling and unloading charges, paid by the brewers supply dealer with respect to the particular quantity of hops to be priced.

(4) *Brewers' maximum prices.* A brewer's maximum price, f. o. b. his platform or warehouse, for sales of the 1944 and subsequent years' crops of New York State baled hops, shall be his supplier's maximum price for the particular quantity of such hops to be priced, plus the applicable amount of transportation charges paid by the brewer.

5. Section 4 is amended to read as follows:

(4) *Maximum prices for packaged hops.* A seller's (other than a seller at retail who is not a packer) maximum prices, f. o. b. packing plant or seller's place of business, for sales of Pacific Coast packaged hops (except such hops of the 1942 crop) and New York State hops of the 1943 and subsequent years' crops, shall be the dealer's maximum price in accordance with the applicable provisions of section 3 for the particular crop year and classification of hops to be

priced, plus the amount of 8¢ per pound and the applicable amount of transportation charges paid by the seller with respect to the particular quantity of hops to be priced.

6. Section 5 is amended to read as follows:

(5) *Inability otherwise to fix maximum prices.* If a seller is unable to determine his maximum price for a particular sale of Pacific Coast or New York State baled hops of the 1944 or subsequent years' crops, he shall apply by letter to the Office of Price Administration, Washington, D. C., requesting authorization of a maximum price. The letter shall set forth a statement of the facts which make it impossible for him to determine his maximum price under other provisions of this regulation. Until a maximum price is authorized by the Office of Price Administration the applicant may deliver the hops but may not receive payment for them.

7. Section 8 is redesignated section 15 and a new section 8 is added to read as follows:

SEC. 8 *Inspection fees.* The maximum prices established under section 3 (d) and section 3 (f) for sales of Pacific Coast and New York State baled hops of the 1944 and subsequent years' crops include the amount of any inspection fee or charge which the seller has actually paid, upon issuance to him of an inspection certificate, to any certifying agency acting under the Farm Products Inspection Act and regulations thereunder, or to his supplier who has so paid such inspection fee or charge. The amount of such fee or charge shall be separately stated on the seller's invoice to the purchaser. Only one inspection fee or charge may be added by a seller to the maximum price of any particular quantity of hops.

8. Sections 10, 11, 13 and 14 are redesignated sections 11, 12, 14 and 16,

respectively, and a new section 10 is added to read as follows:

SEC. 10 *Inspection of hops—(a) Certificate required.* Except as provided in (c), below, no person shall sell or deliver any Pacific Coast or New York State baled hops of the 1944 and subsequent years' crops, except on the basis of an inspection certificate issued pursuant to the Farm Products Inspection Act and regulations thereunder, and instructions and procedures issued pursuant to such regulations, showing the seed content and the leaf and stem content of the hops in percentage of weight and identifying the hops by lot or symbol number. The inspection certificate shall be procured by the first seller of the hops or by any person designated by him. Such certificate shall be retained by the first seller for a particular lot of hops shall Control Act of 1942, as amended, remains in effect, and a copy thereof shall be delivered by him to his purchaser upon delivery of the hops or when he accepts final payment as provided in (c), below. The maximum price of all sellers for a particular lot of hops shall be based on the classification stated on the final inspection certificate covering such lot of hops issued to the first seller, or any person designated by him. When any lot of hops has been appropriately inspected and identified and a final inspection certificate has been issued with respect thereto to the first seller or any person designated by him, no person subsequently selling or delivering the same lot of hops shall be required to obtain another inspection certificate covering such lot, but such subsequent sale or delivery shall be deemed to be on the basis of an inspection certificate if the seller's invoice shows the true lot or symbol number identifying the bales of hops to be sold or delivered and the certificate number. A final inspection certificate shall mean either the initial inspection certificate issued to the first seller, or any person designated by him, or, if a

review or appeal of the initial inspection has been requested by the first seller, the review or appeal inspection certificate issued to such seller, or any person designated by him.

(b) *Marking of bales.* Every seller before delivery of any Pacific Coast or New York State baled hops of the 1944 or subsequent years' crops shall mark clearly on each bale the lot or symbol number identifying the hops with the inspection certificate pertaining to such hops.

(c) *Delivery before issuance of certificate.* Pacific Coast or New York State baled hops of the 1944 and subsequent years' crops may be delivered by any seller before an inspection certificate has been obtained by the first seller, or any person designated by him, only if—

(1) Such hops have been officially sampled and

(2) The bales have been marked as required in (b), above. In such event, the seller may receive at the time of such delivery an amount not to exceed 55¢ per pound (including any advances made prior to delivery) for the hops delivered, and the purchaser shall not make any further payment to the seller for such hops until an inspection certificate has been issued with respect to the hops so delivered. After issuance of the inspection certificate, final settlement may be made between the seller and the purchaser for the full purchase price of the hops on the basis of the inspection certificate but such final settlement shall not result in a total payment for the hops in excess of the seller's maximum price under this regulation.

9. Section 12 is redesignated section 13 and paragraph (b) thereof is amended to read as follows:

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying agreement, or other trade understanding; by any change of style of packing; by business practices relating to tare or packing; by the use of grower cooperatives for marketing purposes; or in any other way.

This amendment shall become effective September 2, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 2, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-13492; Filed, Sept. 2, 1944;
3:32 p. m.]

No. 178—3

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305,¹ Amdt. 12]

CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY, HOMINY GRITS, BREWERS GRITS AND OTHER PRODUCTS MADE BY A DRY CORN MILLING PROCESS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1351.1763 (a) is amended to read as follows:

(a) The maximum price at which any person, other than the processor or jobber, may resell corn products, except hominy feed, corn bran, corn germ cake and corn germ meal, shall be the maximum price calculated under Maximum Price Regulation Nos. 421, 422 and 423 or the General Maximum Price Regulation, whichever is applicable.

2. Section 1351.1766 (d) (1) is amended to read as follows:

(1) With respect to any lot of corn products, other than hominy feed, corn bran, corn germ cake and corn germ meal, a person, other than either a wagon wholesaler or one whose sales of such corn products are covered by Maximum Price Regulations 421, 422 or 423, who buys corn products whether in carlots or in less than carlots and resells the same to any person; and

3. Section 1351.1766 (i) (1) is amended to read as follows:

(1) With respect to any lot of corn products, other than hominy feed, corn bran, corn germ cake and corn germ meal, a person whose sales of corn products are covered by Maximum Price Regulation Nos. 422, 423; and

4. Section 1351.1766 (j) (1) is amended to read as follows:

(1) With respect to any lot of corn products, other than hominy feed, corn bran, corn germ cake and corn germ meal, a person whose sales of corn products are covered by Maximum Price Regulation No. 421; and

5. Section 1351.1766 (1) is added to read as follows:

(1) Wagon wholesaler means, with respect to any lot of corn products, a person who purchased such lot and who distributes it to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sales.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1063, 2501, 3178, 3705, 5316, 6177, 6440, 7567, 16297, 16790; 9 F.R. 3072, 4224, 5827, 6109.

This amendment shall become effective September 6, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13592; Filed, Sept. 5, 1944;
11:48 a. m.]

PART 1371—IMPORT PRICES

[Max. Import Price Reg.,¹ Amdt. 5]

MANUFACTURED GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2 (a) (2) of the Maximum Import Price Regulation is amended to read as follows:

(2) "Imported manufactured goods", other than beverages and animal and poultry foods or feeds.

This Amendment No. 5 shall become effective on September 11, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13594; Filed, Sept. 5, 1944;
11:49 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND MIXTURES

[MPR 118,² Amdt. 24]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 118 is amended in the following respects:

1. Section 1400.118 (d) (3) is amended to read as follows:

(3) *Grey soft-filled sheeting.* The base maximum prices for grey soft-filled sheeting shall be as follows:

Class	Average yarn numbers (All numbers inclusive)	Cents per lb.
A	Up to 14.99s	43.00
B	15 to 20.99s	44.00
C	21 to 24.99s	45.50
D	25s and above	47.50

The following premiums may be added to the above base-maximum price:

¹ 9 F.R. 2350, 7504, 8062.

² 8 F.R. 12186, 12934; 9 F.R. 401, 10088.

	Cents per yard
For goods 3.32 yards per pound and heavier before napping (weight to be prorated to 42 inches for goods over 42 inches in width).....	1
For goods 3.33 yards per pound and lighter before napping (weight to be prorated to 42 inches for goods over 42 inches in width).....	3/4
For goods made with feeler motion.....	1/2
For single napping:	
Goods less than 40 inches in width after napping.....	3/4
Goods 40 inches and over in width after napping.....	1
For double napping:	
Goods less than 40 inches in width after napping.....	1
Goods 40 inches and over in width after napping.....	1 1/4
For goods 42 inches and over in width as sold:	
If napped add to napped price.....	5
If unnapped add to the unnapped price.....	5

2. Section 1400.118 (d) (13) (iv) (a) is amended to read as follows:

(iv) *Wide sheeting.* (a) the base maximum prices for clean sheetings 42" and wider (other than domestic sheetings which are subject to Revised Price Schedule No. 89) shall be:

Class	Average yarn numbers (all numbers inclusive)	Cents per lb.
A.....	Up to 14.99s.....	46.00
B.....	15's to 20.99s.....	47.125
C.....	21's to 24.99s.....	48.75
D.....	25's and above.....	51.00

3. Section 1400.118 (d) (13) (v) (a) is amended to read as follows:

(v) *Wide broken twills.* (a) The base maximum price for clean broken twills 42" and wider shall be 44.50 cents per pound.

4. Section 1400.118 (d) (13) (vi) is amended to read as follows:

(vi) *Wide drills and four-leaf twills.* The maximum price for clean drills and four-leaf twills 42" and wider and made of single yarns throughout shall be:

Class	Yds. per lb., pro rata to 37"	Cents per lb.
A.....	2.00 and under.....	44.50
B.....	2.01 to 2.50.....	45.50
C.....	2.51 to 3.00.....	46.625
D.....	3.01 to 3.50.....	47.625
E.....	3.51 to 4.00.....	48.75
F.....	4.01 and over.....	50.875

This amendment shall become effective September 5, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13589; Filed, Sept. 5, 1944;
11:48 a. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[2d Rev. MPR 339, Amdt. 3]

WOMEN'S RAYON HOSIERY

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 339 is amended in the following respects:

1. In paragraph (a) of section 5, the third sentence is amended to read as follows: "Except as provided in paragraph (b) of this section, other sellers may use the insert until July 15, 1944."

2. Paragraph (b) of section 5 is amended to read as follows:

(b) *Responsibility for marking.* No person who first sells the hosiery in a finished state and no retailer may deliver any hosiery covered by this regulation unless all of the marking provisions of this section are complied with. A person selling at wholesale, hosiery which he purchases in the finished state, may not deliver such hosiery if not correctly marked as required by this section, unless he includes on or annexes to the invoice for the delivery the following statement:

The hosiery in this shipment is not correctly marked. OPA 2d Rev. MPR 339 requires you to remark it correctly before you sell it.

Please note that you must:

[Specify corrections which must be made. Example: "Change 45gg ceiling price to 81¢" or "substitute regular markers for inserts."]

These marking provisions do not apply to sales made to "exporters," as that term is defined in Second Revised Maximum Export Price Regulation. However, exporters must mark any hosiery which they sell in the domestic market in accordance with the provisions of this section. These marking requirements likewise do not apply to retail sales of hosiery made by a manufacturer to employees.

3. Paragraph (c) of section 5 is revoked and paragraphs (d) and (e) of that section are re-designated paragraphs (c) and (d) respectively.

4. A new subparagraph (3) is added to the re-designated paragraph (d) of section 5 to read as follows:

(3) *Invoices.* Each person, in connection with every sale (except a sale at retail) shall deliver an invoice or other similar document showing:

(i) The name and address of the seller and the purchaser.

(ii) The date of invoicing.

(iii) The number of dozens of hosiery delivered, broken down by gauge or needle count and the number of dozens in each gauge or needle count of irregulars, seconds and thirds.

(iv) The selling price per dozen for each of the kinds of hosiery specified in (iii) and the terms of sale.

(v) The seller's ceiling price per dozen for each of the kinds of hosiery specified in (iii) where the selling price is not the same as the ceiling price.

Every seller (including sellers at retail) shall retain for inspection by the Office of Price Administration a copy of each invoice given or received pursuant to this section.

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 206, 4024.

This amendment shall become effective September 11, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13595; Filed, Sept. 5, 1944;
11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 77]

CORN PRODUCTS OF DRY CORN MILLING PROCESS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.3 (p) (2) is amended to read as follows:

(2) All sales of corn products of the dry corn milling process except sales by wagon wholesalers as defined in Maximum Price Regulation 305.

This amendment shall become effective September 6, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13591; Filed, Sept. 5, 1944;
11:48 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9, Amdt. 2]

PART 1220—FEED

LIMITATIONS ON SALE, SHIPMENT, AND INVENTORIES OF PROTEIN MEAL AND ON USE OF SOYBEAN PRODUCTS

Correction

The signature of Federal Register Document 44-13998, appearing at page 10747 of the issue for Saturday, September 2, 1944, should read as follows: "Ashley Sellers, Assistant War Food Administrator."

[WFO 9-6, Amdt. 2]

PART 1220—FEED

LIMITATIONS ON MIXED FEED MANUFACTURERS

War Food Order No. 9-6 (9 F.R. 1481, 4319, 9582) is hereby revised and amended in its entirety to read as follows:

Pursuant to the authority vested in me by War Food Order No. 9 (formerly Food Production Order No. 9) (8 F.R. 16960; 9 F.R. 3475, 4319, 8767, 10747), issued on December 18, 1943, to effectuate the purposes of such order pertaining to the use of protein meal in the manufacture of mixed feeds and to promote the orderly

distribution of protein meal; it is hereby ordered, that:

§ 1220.8 *Quarterly limitation on the use of protein meal in the manufacture of mixed feed.* During any quarter (beginning January 1, April 1, July 1 or October 1) of the calendar year 1944, no mixed feed manufacturer shall use any quantity of protein meal in the manufacture of mixed feeds (other than custom mixed feeds) in excess of (1) the average quantity of protein meal used by such manufacturer in the manufacture of mixed feeds (other than custom mixed feeds) in the corresponding quarters of the calendar years 1942 and 1943, or (2) 30 percent of the maximum quantity of protein meal which the manufacturer is permitted to use in the manufacture of mixed feeds during the calendar year 1944 under the provisions of paragraph (d) of War Food Order No. 9, whichever is greater: *Provided, however,* That, in computing the maximum quantity of protein meal which may be used by a manufacturer, during the quarters beginning July 1 and October 1, 1944, in the manufacture of mixed feeds under this order, any protein meal used in the manufacture of cubes or pellets containing not less than 30 percent protein for the feeding of cattle or sheep on the range, which is in excess of the average quantity of protein meal used in the manufacture of cubes or pellets for such purpose during the corresponding quarters of the years 1942 and 1943, need not be taken into account: *Provided, further,* That this order shall not apply to any mixed feed manufacturer who uses no more than 60 tons of protein meal in the manufacture of mixed feeds during the calendar year 1944. Nothing herein shall be construed to permit any mixed feed manufacturer, during the calendar year 1944, to use any quantity of protein meal in the manufacture of mixed feeds in excess of the maximum quantity permitted under paragraph (d) of War Food Order No. 9, Amendment No. 2.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747)

Issued this 2d day of September 1944.

J. B. HUTSON,
Director of Production.

[F. R. Doc. 44-13587; Filed, Sept. 5, 1944;
11:13 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 73, Corr. to Amdt. 3]

PART 1598—GENERAL REGULATIONS

CONTRACT SCHOOLS, MARINE HOSPITALS, AND
MARITIME ACADEMIES PERMITTED TO BUY
SET ASIDE AND RESTRICTED FOOD

Section 1598.1 (c) of War Food Order 73, Amendment 3, appearing in 9 F.R. 10036 dated August 18, 1944, is corrected to read as follows:

(c) *Purchases of set aside and restricted foods by marine hospitals.* Notwithstanding the provisions of any War Food Order now or hereafter issued, unless specifically prohibited therein, any marine hospital may purchase any set aside or restricted food from any person and any person may sell or deliver set aside or restricted food to any marine hospital and such sales or deliveries may be considered by the sellers in the same manner as sales to the War Shipping Administration: *Provided,* That all such purchases by such marine hospital shall be made by written order on contract containing the following certificate signed by the Public Health Service officer in charge of such hospital:

The undersigned certifies and represents to the War Food Administration that he is the _____

(Position held)

of _____
(Hospital, name and address)

which is a marine hospital operated by the United States Public Health Service pursuant to the Public Health Service Act and that all of the items and quantities of food hereon are required for and will be used in feeding patients at said hospital.

(Title)

All set aside and restricted foods purchased by marine hospitals shall be used by such hospitals only for feeding patients of such hospitals.

Issued this 4th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-13566; Filed, Sept. 4, 1944;
3:27 p. m.]

[WFO 45, Amdt. 6]

PART 1491—BEANS

RESTRICTIONS ON DELIVERY OF BEANS

War Food Order No. 45, as amended (9 F.R. 9775), § 1491.1, is further amended as follows:

1. By deleting (a) (1) and substituting in lieu thereof the following:

(1) "Beans" means dry threshed beans of the following classes, as defined in the United States Standards for Beans, as revised, effective September 1, 1941: Pea beans; Great Northern beans; Small White beans; Flat Small White beans; Light Red Kidney beans; Dark Red Kidney beans; Pink beans; Western Red Kidney beans; Small Red beans; Pinto beans; and Baby Lima beans.

2. By deleting (b) (1) and substituting in lieu thereof the following:

(1) Every country shipper shall during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of Pea beans, Great Northern beans, Small White beans, Flat Small White beans, Small Red beans or Pinto beans equal to at least 40 percent of his total deliveries of such classes of beans into civilian channels during such calendar month, and a quantity of Light Red Kidney beans, Dark Red Kidney

beans, Western Red Kidney beans, Pink beans or Baby Lima beans equal to at least 100 percent of his total deliveries of such classes of beans into civilian channels during such calendar month.

This amendment shall become effective at 12:01 a. m., e. w. t., September 5, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 45, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 4th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-13567; Filed, Sept. 4, 1944;
3:27 p. m.]

[WFO 79-103, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE MEMPHIS,
TENN., METROPOLITAN MILK SALES AREA

Correction

In F.R. Doc. 44-13338, appearing on page 10819 of the issue for Tuesday, September 5, 1944, paragraph (g) should read as follows:

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: *Provided,* That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

[WFO 22-6, Amdt. 2]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, CANNED FRUITS, CANNED
VEGETABLE JUICES, AND CANNED FRUIT
JUICES REQUIRED TO BE SET ASIDE DURING
1944

War Food Order No. 22-6, as amended (9 F.R. 1824, 4321, 4319, 6497), is further amended as follows:

1. By deleting Table 1 attached thereto and inserting, in lieu thereof, Table 1 attached hereto.

2. By deleting the provisions of § 1425.8 (d) (4) and inserting, in lieu thereof, the following:

(4) Each canner and each processor who, pursuant to the provisions of this order, is required to set aside any commodity listed in the aforesaid column A of Table 1 shall be deemed to have met the set-aside requirements of this order if he sets aside the entire quantity of the respective commodity packed by him

and in his possession on and after September 3, 1944, if such amount is not less than the quantity of the respective commodity required to be set aside by such person pursuant to the provisions of War Food Order No. 22-6, as amended, in effect prior to such date.

This order shall become effective at 12:01 a. m., e. w. t., September 3, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 22-6, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 22-6,

as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3307; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 22, as amended, 8 F.R. 2243, 6397, 9 F.R. 4321, 4319)

Issued this 2d day of September 1944.

C. W. KITCHEN,
Acting Director of Distribution.

TABLE 1—CANNED VEGETABLES, CANNED FRUITS, CANNED VEGETABLE JUICES, AND CANNED FRUIT JUICES

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type, style variety (sequence does not denote preference)	Grade preferences			Can size
	Specific reserve	Contingency reserve	Total (Cols. B and C)		First	Second	Third	
Apples.....	60	*6	66	Heavy pack.....	Standard.....	Fancy.....	.....	10.
Applesauce.....	24	*3	27	.....	Fancy.....	Standard.....	.....	10-2.
Apricots.....	90	*10	100	Halved, unpeeled.....	Choice.....	Standard.....	.....	10-2½.
Berries ¹	68	*7	75	.....	Waterpack.....	(2).....	.....	10.
Blueberries.....	68	*7	75	.....	Waterpack.....	(2).....	.....	10.
Cherries R. S. P.....	90	*10	100	Waterpack.....	Standard.....	.....	.....	10-2.
Fig.....	38	*4	42	Kadota.....	Choice.....	Fancy.....	.....	10-2½.
Fruit cocktail.....	71	*7	78	.....	Choice.....	Fancy.....	.....	10-2½.
Peaches.....	69	*7	76	Yellow clingstone halved or sliced.....	Choice.....	Top Standard.....	.....	10-2½.
.....	.....	.....	.....	Yellow free-stone halved or sliced.....	Choice.....	Fancy.....	.....	10-2½.
Pears.....	73	*7	80	Bartlett, halved.....	Choice.....	Top Standard.....	Fancy.....	10-2½.
Pineapple.....	55	*6	61	Sliced, crushed, chunks, tidbits (except cocktail tidbits).....	Fancy.....	Choice.....	Std.....	10-2½-2.
Pineapple juice.....	59	*7	66	.....	Fancy.....	.....	.....	10-3 cyl.-2.
Asparagus.....	43	4	47	All green or culturally bleached.....	Fancy cut.....	Fancy spear.....	.....	10-2½-2.
Beans, Lima.....	56	6	62	Fresh.....	Extra Standard.....	Top Standard ²	Fancy.....	10-2.
Beans, snap.....	47	5	52	Green, cut; Wax, cut.....	Extra Standard.....	Top Standard ²	Fancy.....	10-2½-2.
Beets.....	49	5	54	Cut, quartered, diced, sliced.....	Fancy.....	Top Standard ⁴.....	.....	10-2½-2.
Carrots.....	145	5	150	Diced.....	Fancy.....	Top Standard ⁴.....	.....	10-2½-2.
Corn, sweet ¹	25	3	28	White, yellow, cream style, whole kernel.....	Fancy or extra Standard.....	Top Standard ².....	.....	10-2.
Peas.....	36	4	40	Alaska 3, 4 sieve; sweet 3-sieve and larger; ungraded.....	Extra Standard.....	Top Standard ²	Fancy.....	10-2.
Pumpkin or squash.....	17	2	19	.....	Fancy.....	Top Standard ⁴.....	.....	2½.
Sauerkraut.....	34	0	34	.....	Fancy.....	Top Standard ⁴.....	.....	10-2½.
Spinach.....	48	5	53	.....	Fancy.....	Top Standard ⁴.....	.....	10-2½-2.
Tomatoes.....	43	4	47	.....	Extra standard.....	Top standard ²	Fancy.....	10-2½-2.
Tomato catsup.....	48	5	53	.....	Fancy 20-33 percent solids.....	Fancy 33 percent solids or over.....	Fancy 25-29 percent solids or larger ⁴	10-3 cylinder. 2½-2. 14 ounce glass or larger. ⁴
Tomato juice.....	60	6	66	.....	Fancy.....	.....	.....	10-3 cyl.-2.
Tomato puree.....	27	3	30	Heavy (minimum specific gravity 1.045).....	Fancy.....	.....	.....	10.
Tomato paste.....	26	3	29	.....	Fancy.....	.....	.....	10-2½-2-6 ounces.

*Indicates that Government intends to purchase all of contingency reserve in addition to the specific reserve.

¹Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of these four varieties.

²Syrup pack not desired.

³Top standard means 70-74 inclusive as defined in terms of U. S. grades.

⁴Top standard means 80-84 inclusive as defined in terms of U. S. grades.

⁵Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 44-13490; Filed, Sept. 2, 1944; 3:14 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

PART 201—ALASKA FISHERIES GENERAL

REGULATIONS

RULES OF PRACTICE FOR HEARINGS UPON CLAIMS OF NATIVES

201.21b-1 Rules of practice for hearings upon claims of natives of Alaska—

(a) *Notice of hearings.* Hearings upon the petitions of Indians or other natives of Alaska pursuant to the provisions of § 201.21b of the regulations for protection of the commercial fisheries of Alaska, 1944 (8 F.R. 2890, shall be public hearings and shall be instituted by the Secretary of the Interior or an official duly authorized to act in his behalf, by publication of notice of time, place and subject matter of hearing in the FEDERAL REGISTER not less than 20 nor more than 60 days before the day set for the hearing.

(b) *Powers of presiding officer.* Subject to review by the Secretary, the presiding officer shall have power to: (1) rule upon motions and requests; (2) change the time and place of hearing and adjourn the hearing; (3) examine witnesses and receive evidence; (4) admit or exclude evidence; (5) hear oral arguments and receive briefs and memoranda on facts and law; (6) do all acts and take all measures necessary for the maintenance of order at the hearing and the official conduct of the proceeding; and (7) make proposed findings of fact, conclusions of law and recommendations of appropriate action to be taken.

At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken except at the request of the Secretary unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place for such taking of testimony shall be given to all persons who have filed notice of intention to appear at the hearing.

The presiding officer may take official notice of any generally recognized fact or any established technical or scientific fact.

(c) *Appearance of witnesses and parties.* At the hearing any interested person shall be given an opportunity to appear either in person or through his authorized counsel or representative and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall before proceeding to testify state his name, address and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall before proceeding to testify or otherwise to participate in the hearing state for the record his authority to act as such counsel or representative and the

names and addresses and occupations of such persons and such counsel or representative. Any such person or such counsel or representative shall give other information respecting his appearance as the presiding officer may request. If any interested person fails to enter an appearance at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

The testimony, including records and documents, given at the hearing shall be reported and a transcript thereof shall be made, which shall be a part of the record of the proceeding. The record so made shall be the sole official record. Every party shall be afforded adequate opportunity to cross-examine, rebut or offer countervailing evidence. Evidence shall be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

The testimony of the witnesses shall be given upon oath.

The presiding officer will be responsible for the completeness of the record on all points at issue.

After offering evidence, witnesses may be questioned by the presiding officer or by any agent designated by him or by any person who has entered an appearance, for the purpose of assisting the presiding officer in ascertaining the material facts with respect to the subject matter of investigation.

(d) *Rules of evidence.* All testimony having reasonable probative value shall be admitted, regardless of common law or statutory rules of evidence, but immaterial, irrelevant or unduly repetitious testimony shall be excluded.

(e) *Stipulations.* In any such proceeding, a stipulation of fact signed by the parties or their representatives may be introduced in evidence with respect to any issue.

(f) *Depositions.* The presiding officer may order evidence to be taken by deposition at any stage of the proceeding before any person designated by him and having the power to administer oaths or affirmations. Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties. Any person desiring to take a deposition of a witness shall make application in writing setting out the reasons why such deposition should be taken and stating the time when, the place where, and name and address of the person before whom it is desired the deposition should be taken, the name and address of the witness and the subject matter concerning which the witness is expected to testify. If good reason be shown, the presiding officer will make and serve upon the parties or their attorneys an order naming the witness whose deposition is to be taken and specifying the time when, the place where and the person before whom the witness is to testify. These may or may not be the same as those named in the application. The deponent shall be subject to cross-examination by all the parties

appearing. In lieu of oral cross-examination, parties may transmit written cross-interrogations to the deponent. The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. Such deposition, unless otherwise ordered by the presiding officer for good cause shown, shall be filed in the record in the proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

(g) *Affidavits.* Affidavits if relevant and material may be received and marked as exhibits provided they are filed with the presiding officer before the close of the hearing. Every interested person shall be permitted to examine all affidavits which have been so filed and to file counter affidavits with the presiding officer within a period of time to be fixed by him, not more than five days following the close of the hearing.

(h) *Objections.* The transcript shall not include argument on objections except as ordered by the presiding officer. The ruling of the presiding officer shall be a part thereof. Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

Formal exception to rulings of the presiding officer are unnecessary. It is sufficient that a party at the time the ruling of the presiding officer is made or sought makes known the action which he desires the presiding officer to take, or his objection to an action taken and his grounds therefor.

(i) *Documentary evidence and exhibits.* Documentary evidence and exhibits which are otherwise competent under the regulations in this part shall be received and need not be read into the record.

(j) *Oral argument and briefs.* A request for oral argument at the close of testimony will be granted or denied by the presiding officer in his discretion. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

Briefs may be filed in addition to oral argument or in lieu thereof, within such times as the presiding officer may prescribe.

(k) *Proposed findings and recommendation.* Each party may be requested by the presiding officer to file proposed findings of fact and conclusions, based solely upon the evidence of record, and the briefs in support thereof, and an appropriate form of order to be entered. The presiding officer shall then make his proposed findings of fact and conclusions of law and recommend an appropriate form of order to be entered. The said proposed findings of fact and conclusions of law, together with the proposed order, shall be mailed or other-

wise delivered to each party to the proceeding or to his attorney of record, and copies of the same shall be transmitted at the same time to the Secretary.

(l) *Objections to findings and recommendations.* Within 15 days after receipt of the proposed findings and recommendations of the presiding officer, the parties may file exceptions thereto and briefs in support thereof. Copies of the petition to review the proposed findings and recommendation and the supporting briefs shall be served upon all parties of record, who shall have the right to file counter-petitions and answering briefs within 25 days.

(m) *Transmittal of record.* After the close of the hearing, the official transcript of testimony taken, including any exhibits and briefs filed at the hearing, shall be transmitted to the Secretary. Copies of all documents filed with or submitted to the presiding officer subsequent to the hearing shall also be transmitted to the Secretary. No free copies of transcripts of testimony will be available in any proceeding under these rules.

(n) *Order.* After receipt of the proposed findings and recommendation of the presiding officer, the Secretary will issue his order affirming, modifying, or revising the proposed findings and recommendation of the presiding officer in the case, and the Secretary's order shall be published in the *FEDERAL REGISTER*.

(o) *Rehearing.* Any person alleging an interest therein may file a petition for rehearing within 20 days from the date on which the final order appears in the *FEDERAL REGISTER*. Any such petition for rehearing must be under oath and must state concisely and specifically the grounds upon which it is based, and in what respect the order is claimed to be unjust, unwarranted or erroneous, and show that the failure previously to present such evidence is not due to lack of reasonable diligence. It should be addressed to the Secretary. If the petition for rehearing is found to have merit, the petitioner will be required to serve a copy of his petition together with all argument, on each adverse party within 15 days from date of notice. Each adverse party will be allowed 20 days thereafter in which to file his answer. Thereafter the case will be considered again, and appropriate action taken, which may consist in adhering to the former decision or modifying or vacating same, or the making of any further or other order deemed warranted.

(p) *Revision.* The foregoing regulations may be revised by the Secretary of the Interior at any time without prior notice. Such revisions shall be promptly published in the *FEDERAL REGISTER*.

(44 Stat. 752; 48 U.S.C. 221)

ABE FORTAS,

Acting Secretary of the Interior.

SEPTEMBER 1, 1944.

[F. R. Doc 44-13553; Filed, Sept. 4, 1944; 9:50 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 1512]

AERO-TRANSPORTES, S. A.

NOTICE OF FURTHER HEARING

In the matter of the application of Aero-Transportes, S. A., for a temporary foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing use of the airport at Brownsville, Tex., for a period of ninety days, pending repairs and improvements to the airport at Matamoros, Mex., and authorizing use of the airport at Eagle Pass, Tex., for the same period pending repairs and improvements to the airport at Piedras Negras, Mex.

The hearing in the above-entitled proceeding, adjourned until a date to be assigned, is now assigned to be held on September 11, 1944, at 2:30 p. m. (eastern war time) in the foyer of the Auditorium, Commerce Building, Washington, D. C.

Dated Washington, D. C., September 4, 1944.

By the Civil Aeronautics Board.

[SEAL] FERDINAND D. MORAN,
Examiner.

[F. R. Doc. 44-13576; Filed, Sept. 5, 1944;
10:13 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-575]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF APPLICATION

Correction

The FEDERAL REGISTER serial number for the above-entitled document appearing on page 10881 of the issue for Tuesday, September 5, 1944, should read "F.R. Doc. 44-13445".

[Docket No. G-576]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

Correction

The FEDERAL REGISTER serial number for the above-entitled document appearing on page 10881 of the issue for Tuesday, September 5, 1944, should read "F.R. Doc. 44-13446".

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 478]

RECONSIGNMENT OF WATERMELONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first order-

ing paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 31, 1944, by Cohen & Gordon of car IO 45155, watermelons, now on the Chicago Produce Terminal, to Red Owl, Inc., Green Bay, Wisconsin.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13581; Filed, Sept. 5, 1944;
11:14 a. m.]

[S. O. 70-A, Special Permit 480]

RECONSIGNMENT OF CABBAGE AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, September 1, 1944, by Plowatz Bergart Company, of car MDT 18942, cabbage, now on the C. B. & Q. Railroad, to Liberty Grocers Company, Memphis, Tennessee.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13582; Filed, Sept. 5, 1944;
11:14 a. m.]

[S. O. 70-A, Special Permit 481]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 1, 1944, by Fry Distributing Company, of car PFE 96981, oranges, now on the Chicago Produce Terminal, to Cohen Brothers, Appleton, Wisconsin, via C&NW.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13583; Filed, Sept. 5, 1944;
11:14 a. m.]

[S. O. 70-A, Special Permit 483]

RECONSIGNMENT OF WATERMELONS AT KANSAS CITY AND TRENTON, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, September 1, 1944, by T. B. Wilcox, of car FGEX 35199, watermelons, now on the C. R. I. & P. Railroad, to John T. O'Brien, Chicago, Illinois (CRI&P), and to the reconsignment at Trenton, Missouri, September 1, 1944, by T. B. Wilcox of car PFE 61602, watermelons, now on the C. R. I. & P. Railroad, to John T. O'Brien, Chicago Illinois (CRI&P).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by

filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13584; Filed, Sept. 5, 1944;
11:14 a. m.]

[2d Rev. S. O. 224, Special Permit 5]

REICING OF HONEYDEW MELONS FROM HURON, CALIF.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944, (9 F. R. 10429) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the reicing in transit to full bunker capacity of car NADX 12935, honeydew melons, moving August 29, 1944, from Costa Distributing Company, Huron, California, to Charles Taxin Company, Philadelphia, Pennsylvania (SP-D&RGW-MoPac-Penna.), because car has inadequate bunker capacity for 6,500 pounds of ice.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13585; Filed, Sept. 5, 1944;
11:14 a. m.]

[2d Rev. S. O. 224, Special Permit 6]

REICING OF FRUITS AND VEGETABLES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F. R. 10429), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the reicing at Pittsburgh, Pennsylvania, of refrigerator cars loaded with fresh fruits or fresh or green vegetables.

This special permit shall become effective at 12:01 a. m., September 2, 1944, and shall expire at 11:59 p. m., September 4, 1944, and shall apply to all such cars reiced at Pittsburgh during the effectiveness of this permit.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13586; Filed, Sept. 5, 1944;
11:14 a. m.]

[S. O. 230]

UNLOADING OF EMPTY BOTTLES AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of September, A. D. 1944.

It appearing that car C&A 17831, containing empty used beverage bottles at Chicago, Illinois, on the Pennsylvania Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Empty bottles at Chicago, Illinois, to be unloaded. (a) The Pennsylvania Railroad Company, its agents or employees, shall unload forthwith car C&A 17831, containing empty used beverage bottles, on hand at Chicago, Illinois, consigned to E. Marks & Company.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload of empty bottles has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered. That this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-13579; Filed, Sept. 5, 1944;
11:13 a. m.]

[S. O. 231]

UNLOADING CORK WASTE AT LAREDO, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of September, A. D. 1944.

It appearing, that twenty-four cars, containing cork waste in bales at Laredo, Texas, in bond, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Cork waste at Laredo, Texas, to be unloaded. (a) The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload forthwith CP 174030, NP 12368, CP 179158, PRR 62222 and twenty (20) other cars containing cork waste in bales, on hand at Laredo, Texas, shipped from Girard Point Station, Philadelphia, Pennsylvania, "In Bond" by F. B. Vandergrift & Company, consigned to Jose A. Montmayer e Hijos, Laredo, Texas, routed PRR-MP-T&P-IGN.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of cork waste have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered. That this order shall become effective immediately, and that a copy of this order and direction shall be served upon The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-13580; Filed, Sept. 5, 1944;
11:13 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3994]

ROLF FINKELDEY

In re: Mortgage, property insurance policies and claim owned by Rolf Finkeldey and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Rolf Finkeldey, also known as Rolf Robert Finkeldey and as Ralph Finkeldey and hereinafter referred to as Rolf Finkeldey, Hans Finkeldey, also known as Hans Otto Rudolph Finkeldey and as Hans Otto Finkeldey and hereinafter referred to as Hans Finkeldey, Robert Finkeldey, also known as Robert Helmut Finkeldey and as Robert H. Finkeldey and hereinafter referred to as Robert Finkeldey, and Kurt Finkeldey, also known as Kurt Karl August Finkeldey and hereinafter referred to as Kurt Finkeldey, is Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Rolf Finkeldey, Hans Finkeldey, Robert Finkeldey and Kurt Finkeldey are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed by Lezebern Building Co., Inc., as mortgagor, on August 8, 1919 in favor of the United States Title Guaranty Company, as mortgagee, and recorded on August 9, 1919 in the Office of the Register of Kings County, New York, in Liber 4592 of Mortgages, Page 156, and thereafter assigned to Rolf Finkeldey, Hans Finkeldey, Robert Finkeldey and Kurt Finkeldey by an Assignment of Mortgage recorded in the Office of the Register of Kings County, New York, in Liber 4808 of Mortgages, Page 473, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. All right, title and interest of Rolf Finkeldey, Hans Finkeldey, Robert Finkeldey and Kurt Finkeldey in and to:

(1) Fire Insurance Policy No. 19302 issued by the Springfield Fire and Marine Insurance Company of Springfield, Massachusetts, and any and all extensions or renewals thereof,

(2) War Damage Insurance Policy No. 106-54-2211 issued by the War Damage Corporation through the Royal Insurance Company, Limited, of New York, New York, and any and all extensions or renewals thereof,

which policies insure the premises covered by the mortgage described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of Rolf Finkeldey, Hans Finkeldey, Robert Finkeldey and Kurt Finkeldey in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to, and held for and in the names of Rolf Finkeldey, Hans Finkeldey, Robert Finkeldey and Kurt Finkeldey by Richter and Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, and represented on the books of Richter and Kaiser, Inc., as a credit balance arising by reason of collections received on account of the mortgage described in subparagraph 3-a hereof, and any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this

order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 8, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13513; Filed, Sept. 4, 1944;
11:02 a. m.]

[Vesting Order 4049]

PAUL HARMSSEN

In re: Estate of Paul Harmsen, deceased; File D-28-8308; E. T. sec. 9576.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph B. Weller, Executor, acting under the judicial supervision of the County Court of the State of Oregon, for the County of Wasco.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Earnest Harmsen, Germany.
Gustav Harmsen, Germany.

Herman (Henry) Harmsen, Germany.
Anna Harmsen, Germany.
Emma Harmsen, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Earnest Harmsen, Gustav Harmsen, Herman (Henry) Harmsen, Anna Harmsen, and Emma Harmsen, and each of them in and to the estate of Paul Harmsen, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 21, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13514; Filed, Sept. 4, 1944;
11:02 a. m.]

[Vesting Order 4050]

PIETRO ISAIA

In re: Estate of Pietro Isaia, deceased; File D-38-3181; E. T. sec. 9898.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Albert B. Ferrera, Administrator de bonis non, acting under the judicial supervision of the Circuit Court of the State of Oregon in and for the County of Multnomah;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Maria Isala, Italy.
Giuseppe Isala, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Isala and Giuseppe Isala, and each of them, in and to the estate of Pietro Isala, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 21, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13515; Filed, Sept. 4, 1944;
11:02 a. m.]

[Vesting Order 4051]

ERNEST KOPF

In re: Estate of Ernest Kopf, deceased; File D-28-8552; E. T. sec. 10122.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Henry Kopf,

No. 178—4

also known as Henrich and Hinrich Kopf in and to the estate of Ernest Kopf, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Henry Kopf, also known as Henrich and Hinrich Kopf, Germany.

That such property is in the process of administration by W. E. Lilley, as Administrator of the Estate of Ernest Kopf, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Merced;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13516; Filed, Sept. 4, 1944;
11:02 a. m.]

[Vesting Order 4052]

OTTO BROESKE

In re: Estate of Otto Broeske, deceased; File D-66-905; E. T. sec. 5635.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Johann Broeske, Auguste Broeske, Adolf Broeske, Anna Giehl, Fritz Broeske, Franz Broeske, Paul Broeske, August Broeske, Georg Broeske, Maria Broeske, and person or persons, names unknown, heirs-at-law, and next of kin of Otto Broeske, deceased, and each of them, in and to the Estate of Otto Broeske, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johann Broeske, Germany.
Auguste Broeske, Germany.
Adolf Broeske, Germany.
Anna Giehl, Germany.
Fritz Broeske, Germany.
Franz Broeske, Germany.
Paul Broeske, Germany.
August Broeske, Germany.
Georg Broeske, Germany.
Maria Broeske, Germany.

Person or persons, names unknown, heirs-at-law, and next of kin of Otto Broeske, deceased, Germany.

That such property is in the process of administration by Arthur H. Gruhle, 804 Michigan Avenue, Sheboygan, Wisconsin, as Administrator of the Estate of Otto Broeske, acting under the judicial supervision of the County Court of Sheboygan County, Wisconsin;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13517; Filed, Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4053]

ELIZABETH BUECK

In re: Estate of Elizabeth Bueck, deceased; File D-28-7749; E. T. sec. 8525.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Maria Barbara Lusch, Louise (Lauer) Tutt, Otto Ohm, and Hulda (Hilda) Ohm, and each of them, in and to the estate of Elizabeth Bueck, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Barbara Lusch, Germany.
Louise (Lauer) Tutt, Germany.
Otto Ohm, Germany.
Hulda (Hilda) Ohm, Germany.

That such property is in the process of administration by William A. Kessler, 3065 Lincoln Avenue, Chicago, Illinois, as Executor of the Estate of Elizabeth Bueck, deceased, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, with one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim,

together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13518; Filed, Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4054]

CONRAD DOERING

In re: Estate of Conrad Doering, deceased; File D-28-8638; E. T. sec. 10385.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest, and claim of any kind or character whatsoever of Heinrich Döring, VI and his surviving issue, and each of them, in and to the Estate of Conrad Doering, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Döring, VI or his surviving issue, Germany.

That such property is in the process of administration by the Wells Fargo Bank & Union Trust Co., as Executor of the Estate of Conrad Doering, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 22, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13519; Filed, Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4055]

GEORGE KUGLER

In re: Estate of George Kugler, deceased; File D-28-7563; E. T. sec. 7959.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein after described are property which is in the process of administration by Clarence Woessner, 402 Eighth Avenue, Sterling, Illinois, and Fred J. Johnson, R. F. D., Sterling, Illinois, Executors, acting under the judicial supervision of the County Court of Whiteside County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johannes Kugler, Germany.
Christina (Heinzelmann) Heinzelman, Germany.
Anna (Heinzelmann), Heinzelman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johannes Kugler, Christina (Heinzelmann) Heinzelman and Anna (Heinzelmann) Heinzelman, and each of them, in and to the estate of George Kugler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the

Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13520; Filed, Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4056]

OTTO K. ORTLEB

In re: Estate of Otto K. Ortleb, deceased; File D-28-8689; E. T. sec. 10539.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Edward Ortleb, Augusta Ortleb and Erna Krech, and each of them, in and to the estate of Otto K. Ortleb, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Edward Ortleb, Germany.
Augusta Ortleb, Germany.
Erna Krech, Germany.

That such property is in the process of administration by Paul K. Ortleb, 3223 Childress Street, St. Louis, Missouri, as Administrator of the estate of Otto K. Ortleb, deceased, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13521; Filed, Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4057]

MARTHA B. PRUETER VS. ELIZABETH E. DROGMILLER, ET AL.

In re Martha B. Prueter vs. Elizabeth E. Drogmiller, et al., File D-28-4046; E. T. sec. 7025.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Carl Hamann, Ernest Hamann, Reinholt Hamann and Fritz Hamann, and each of them, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Martha B. Prueter vs. Elizabeth E. Drogmiller, et al., No. 161531" in the Court of Common Pleas of Lucas County, Ohio,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carl Hamann, Germany.
Ernest Hamann, Germany.
Reinholt Hamann, Germany.
Fritz Hamann, Germany.

That such property is in the process of administration by the Sheriff of Lucas County, Toledo, Ohio, Depository, acting under the judicial supervision of the Court of Common Pleas of Lucas County, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13522; Filed Sept. 4, 1944;
11:03 a. m.]

[Vesting Order 4058]

GEORGE J. SCHLEICHER

In re: Estate of George J. Schleicher, deceased; File D-28-8623; E. T. sec. 10314.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Dorothy Buschfeld in and to the Estate of George J. Schleicher, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Dorothy Buschfeld, Germany.

That such property is in the process of administration by Louis Schorre, c/o Farmers State Bank and Trust Company, Cuero, Texas, as Administrator with the Will Annexed of the Estate of George J. Schleicher, acting under the judicial supervision of the County Court of De Witt County, Texas;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13523; Filed, Sept. 4, 1944;
11:04 a. m.]

[Vesting Order 4059]

MARIE SCHMITT

In re: Estate of Marie Schmitt, deceased; File D-28-7970; E. T. sec. 8863.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Katherine Sauer in and to the Estate of Marie Schmitt, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Katherine Sauer, Germany.

That such property is in the process of administration by Roland M. Shivel, Administrator, Michigan National Bank Building, Grand Rapids, Michigan, acting under the

judicial supervision of the Probate Court for the County of Kent, Michigan;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany;

And having made all determinations and taken action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13524; Filed, Sept. 4, 1944;
11:04 a. m.]

[Vesting Order Number 4060]

JOHN THOEMING

In re: Estate of John Thoeming, deceased; File D-28-7936; E. T. sec. 8783 (A).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Catharine Dammann, Anna Hadenfeldt, Katherine Arp, Helene Arp, Maria Reimers, Sophia Arp, Katharina Arp, Margaretha Arp, Joachim Arp, Claus Delfs, Hinrich Delfs and Mrs. Markus Ruge, and each of them, in and to the estate of John Thoeming, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Catharine Dammann, Germany.
Anna Hadenfeldt, Germany.
Katherine Arp, Germany.
Helene Arp, Germany.
Maria Reimers, Germany.
Sophia Arp, Germany.
Katharina Arp, Germany.
Margaretha Arp, Germany.
Joachim Arp, Germany.
Claus Delfs, Germany.
Hinrich Delfs, Germany.
Mrs. Markus Ruge, Germany.

That such property is in the process of administration by George Butenschoen, 401 Lane Building, Davenport, Iowa, as Administrator, and the Clerk of the District Court of Scott County, Iowa, as Depositary, of the Estate of John Thoeming, acting under the judicial supervision of the District Court of Scott County, Iowa;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13525; Filed, Sept. 4, 1944;
11:05 a. m.]

[VESTING ORDER 4061]

RUDOLF ALLERT

In re: Trust under the last will and testament of Rudolf Allert, deceased; File D-28-1786; E. T. sec. 990.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Frieda Gravenhorst, Walter Stange, Margarethe Gericke, also known as Grete Gericke and Bruno Rost, and each of them, in and to the trust created under the Last Will and Testament of Rudolf Allert, deceased,

is property payable or delivered to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frieda Gravenhorst, Germany.
Walter Stange, Germany.
Margarethe Gericke, also known as Grete Gericke, Germany.
Bruno Rost, Germany.

That such property is in the process of administration by The Chase National Bank of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13526; Filed, Sept. 4, 1944; 11:05 a. m.]

[Vesting Order 4062]

ANDREW BAUER

In re: Estate of Andrew Bauer, deceased; File D-28-2753; E. T. sec. 11102.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Theresa Bauer, Joseph (Josef) Bauer, Johann Kick, George Kick, Maria Kick Appel, Margaretha Kick and Barbara Kick, and each of them, in and to the Estate of Andrew Bauer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Theresa Bauer, Germany.
Joseph (Josef) Bauer, Germany.
Johann Kick, Germany.
George Kick, Germany.
Maria Kick Appel, Germany.
Margaretha Kick, Germany.
Barbara Kick, Germany.

That such property is in the process of administration by John Peter Weisenfels, as Executor of the Estate of Andrew Bauer, acting under the judicial supervision of the County Court of Wichita County, Wichita Falls, Texas;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 25, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13527; Filed, Sept. 4, 1944; 11:05 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 2234]

L. D. COTTON

ADJUSTMENT OF MAXIMUM PRICES

Order No. 2234 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of knives manufactured by L. D. Cotton.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Order Nos. 9250 and 9323, it is ordered:

(a) The maximum prices for all sales and deliveries by L. D. Cotton, 6500 Ursula Place, Seattle 8, Washington, of knives of his manufacture, as described in his application dated May 23, 1944 after such articles became subject to Maximum Price Regulation No. 188, are as follows:

Article	Model	To jobbers or distributors who stock the knives		Maximum price to retailers
		Each	Each	
Sheath hunting knife.....	X6	\$1.60	\$2.00	
Sheath hunting knife.....	X1	1.74	2.17	
Sheath hunting knife.....	X3	1.04	1.30	
Sheath hunting knife.....	X4	1.18	1.47	

These maximum prices are f. o. b. Seattle, Washington and are subject to a cash discount of 2% ten days, net thirty days.

(b) The maximum price for all sales and deliveries at wholesale for the knives described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to retailers	
		Each	Each
Sheath hunting knife.....	X6	\$2.00	
Sheath hunting knife.....	X1	2.17	
Sheath hunting knife.....	X3	1.30	
Sheath hunting knife.....	X4	1.47	

(c) The maximum prices for a sale at retail of the knives described in paragraph (a) above shall be as follows:

Article	Model	Maximum price to consumers	
		Each	Each
Sheath hunting knife.....	X6	\$3.35	
Sheath hunting knife.....	X1	3.60	
Sheath hunting knife.....	X3	2.15	
Sheath hunting knife.....	X4	2.45	

(d) On each knife shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 2234 may be revoked or amended by the Price Administrator at any time.

This Order No. 2234 shall become effective on the 5th day of September 1944.

Issued this 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13570; Filed, Sept. 4, 1944;
4:41 p. m.]

[MPR 188, Order 2235]

A. FINKELSTEIN

ADJUSTMENT OF MAXIMUM PRICES

Order No. 2235 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a knife manufactured by A. Finkelstein.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Order Nos. 9250 and 9320, It is ordered:

(a) The maximum prices for all sales and deliveries by A. Finkelstein, 91 Grand Street, New York, New York, of a knife of his manufacture, as described in his application dated June 19, 1944, filed August 10, 1944, after such article became subject to Maximum Price Regulation No. 188, are as follows:

Article	Model	To jobbers or distributors who stock the knife	Maximum price to retailers
Knife.....	S-100	Each \$2.40	Each \$3.00

These prices are f. o. b. New York City and are subject to a cash discount of 2% ten days, net thirty days.

(b) The maximum price for all sales and deliveries at wholesale for the knife described in paragraph (a) above shall be the price set forth below as follows:

Article	Model	Maximum price to retailers
Knife.....	S-100	\$3.00

(c) The maximum prices for a sale at retail, by any person, of the knife described in paragraph (a) above shall be as follows:

Article	Model	Maximum price to consumers
Knife.....	S-100	\$5.00

(d) On each knife shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from him of the maximum prices established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 2235 may be revoked or amended by the Price Administrator at any time.

This Order No. 2235 shall become effective on the 5th day of September 1944.

Issued this 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13571; Filed, Sept. 4, 1944;
4:41 p. m.]

[Max. Import Price Reg., Order 38]

IMPORTED FOODS

COMPUTATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, it is ordered:

(a) Effect of this order. All importers who sell foods imported by them must compute their maximum prices for such sales under this order if those sales would otherwise have been governed by the Maximum Import Price Regulation.

This order does not apply to anyone except the importer but it applies to importers who (being classified as wholesalers or retailers) have previously been governed by Maximum Price Regulations Nos. 421, 422 and 423 as well as to importers who have previously been governed by the Maximum Import Price Regulation or the General Maximum Price Regulation.

Not all imported foods are covered by this order even when sold by the importer. Only those are covered which, were it not for this order, would be subject to the Maximum Import Price Regulation. This means that imported foods, even when sold by the importer, must be priced under (1) any other price regulation (except the General Maximum Price Regulation) which is or may be made applicable to such sales or (2) any supplementary regulation or order which has been or may be issued under the General Maximum Price Regulation which establishes specific dollar-and-cent maximum prices for all importers of the particular food commodity. This order does not apply to imported fresh fruits or vegetables.

Foods which are classified as imported industrial materials, and so have heretofore been covered by the Maximum Import Price Regulation, now come under this order when sold by the importer. Other sellers, such as intermediate distributors who have formerly priced under the Maximum Import Price Regulation, price under Maximum Price Regulations Nos. 421, 422 or 423 if they are wholesalers or retailers of food products, subject to those regulations; otherwise they remain under the Maximum Import Price Regulation.

Foods which are classified as imported manufactured goods, and so have heretofore been excepted from the Maximum Import Price Regulation, are now brought under this order when sold by the importer. Such sales have previously been governed by the General Maximum Price Regulation or by Maximum Price Regulations Nos. 421, 422 or 423. The three last-named regulations have been amended so they no longer apply to sales by importers (except in the case of fresh fruits and vegetables) but they continue to apply to sales by wholesalers and retailers of foods not imported by them.

(b) Relation of this order to the Maximum Import Price Regulation. This order supersedes any provision of the Maximum Import Price Regulation with which it is inconsistent, but such regulation applies to importers of foods in any respect not covered by this order. The definitions in the regulation apply to the defined terms when used in this order.

(c) Maximum prices on sales by importers. On and after September 11, 1944, regardless of any contract, agreement or other obligation, no importer shall sell or deliver, and no person shall buy or receive from an importer, any food produced outside the Continental United States and subject to this order (as ex-

plained in paragraph (a)) at a price in excess of the price determined as follows:

(1) If the importer delivered during March 1942, to the same class of purchaser, the same food item imported by him and if his present foreign supplier sold or, in the absence of a sale, offered for sale the same food item during April 1943, his maximum price shall be the sum of his total permitted landed cost of the item (as defined in paragraph (e)) plus the dollar-and-cent amount by which the highest price at which he made such delivery exceeds the actual total landed cost of the same item on his last foreign purchase prior to March, 1942. The importer who computes his maximum price in this manner must file the reports required by paragraph (f) below.

(2) If the importer did not deliver during March, 1942, to the same class of purchaser, the same food item imported by him, or if his present foreign supplier did not sell or offer for sale the same food item during April, 1943, his maximum price shall be established by the Office of Price Administration upon application by the importer before the item is sold or offered for sale. The maximum price so established shall be in line with the level of maximum prices computed under subparagraph (1), above, for the same class of imported foods, when sold to the same class of purchaser. The application shall be filed in form of a letter addressed to the Imported Foods Section, Food Price Division, Office of Price Administration, Washington, D. C., and shall contain answers to the following questions:

1. What is the nature and description of the item? State the kind, brand, variety, grade, container size and container type.
2. What is the name and address of the foreign supplier?
3. Is your foreign supplier the producer, packer or jobber?
4. What was the highest price which your foreign supplier charged you, or if he did not sell to you, which he charged other importers of the same class, for the same item during April, 1943 (if he made no such sale during that period, so indicate, and then answer question No. 5)?
5. If your foreign supplier did not sell the same item to you or any other importer of the same class during April, 1943, what was his firm offering price for the item to you, or if he did not offer it to you, to other importers of the same class, on April 30, 1943 (if he did not offer the item on that date, so indicate, and then answer question No. 6)?
6. If you are unable to answer either question No. 4 or 5, what information do you have as to prices which other foreign sellers of the item were charging or asking during April, 1943 (attach any documentary evidence which is available to you)?
7. What is your present total landed cost for this item—itemized to show foreign supplier's price, terms of purchase, transportation charges, import duties (if any), marine and war risk insurance premiums, any other direct import expenses and any repackaging costs?
8. What is your proposed selling price (including terms of sale) to each class of trade (wholesaler, retailer, industrial user or other consumer) to which you expect to sell?
9. What was the customary mark-up charged by similar importers for this type of item when sold to similar customers in March

1942? Is this mark-up figured on cost or on selling price?

(d) *Exception of high-cost purchases.* Notwithstanding the provisions of paragraph (c) above, any wholesaler or retailer (as those terms are defined in Maximum Price Regulations Nos. 421, 422 or 423) who, prior to September 5, 1944, had stock on hand which he had purchased, or had outstanding a written contract to purchase, from a foreign seller any food item subject to this order at a price higher than that which may be included in computing its total permitted landed cost, may, upon receipt of written authorization from the Office of Price Administration, sell and deliver such item prior to December 1, 1944, at a price not in excess of the maximum price which would have been permitted under the applicable price regulation in effect at the time of purchase. Application for such authorization shall be filed with the Imported Foods Section, Food Price Division, Office of Price Administration, Washington, D. C., no later than October 15, 1944 and shall contain the following information:

1. Complete identification and quantities of each item in stock and on order for which exception is sought.
2. Description of purchase commitments (including copies of contracts if possible) showing name and address of foreign supplier, date of purchase, description of commodity, price paid or to be paid, delivery date, and total landed cost (estimated where goods not yet received).
3. Prices proposed to be charged and method of computing them under regulation in effect when purchases were made.

(e) *Limitation of total permitted landed cost.* In calculating his total permitted landed cost under this order, the importer may include no more than the following costs, and only those of the following factors which he included in computing the landed cost of his last purchase prior to March, 1942 on which he figured his March, 1942 markup under paragraph (c) (1) of this order:

1. The price actually paid to his foreign supplier but not in excess of the highest price (in dollars) his foreign supplier charged for the same food item to a purchaser of the same class during April, 1943 or, in the absence of a sale, his foreign supplier's highest offering price during the same period.
2. Actual transportation (including marine insurance) charges incurred to the port of entry.
3. Import duties paid.
4. War risk insurance premiums paid at rates in effect at the time of shipment based on a value representing no more than 105% of the sum of the price paid to the foreign supplier, freight to the port of entry, and premiums paid for marine and war risk insurance.
5. Warehouse charges, if incurred, not to exceed 60 days in the Continental United States.
6. Repackaging costs, if incurred, but not to exceed material and labor costs during March, 1942 for the same packaging.
7. A reasonable commission, if incurred, to a purchasing agent outside the Continental United States.

(f) *Reports.* Any importer who establishes a maximum price for any item

under paragraph (c) (1) of this order shall file with the Imported Foods Section, Food Price Division, Office of Price Administration, Washington, D. C., within ten days after the first delivery of each such item, a report in the form of a letter answering the questions stated in paragraph (c) (2) and also stating what was the highest price which he charged for the same item to each class of purchaser to whom deliveries were made during March, 1942 and what was his actual total landed cost of that item on his last foreign purchase prior to March, 1942.

(g) *Changes in maximum prices.* Any importer who establishes a maximum price for any food item under paragraph (c) (1) or (c) (2) of this order shall reduce that price with respect to future importations of the same item by the amount of any decrease in his total permitted landed costs; he may increase that maximum price in the amount of any increase in transportation charges, marine or war risk insurance rates, or import duties.

(h) *Brokers' or agents' commissions.* Any commission paid to a broker or agent in the Continental United States by a purchaser buying from an importer shall be considered part of the price and, when added to the amount paid to the importer, may not exceed the importer's maximum price.

(i) *Revision of maximum prices.* The Price Administrator may revise at any time any maximum price established under this order so as to bring it in line with the level of maximum prices otherwise established under this order for the same class or kind of food item for sale by the same class of importer to the same class of purchaser.

(j) *Invoice statements.* Any importer, other than a wholesaler or retailer (as those terms are defined in Maximum Price Regulations Nos. 421, 422 and 423), who sells or delivers any imported food item subject to this order shall include on each invoice therefor whichever of the following statements is applicable:

- (1) The invoiced imported foods are sold to you at a price not exceeding our maximum price which we have established under paragraph (c) (1) of Order No. 38 under the Maximum Import Price Regulation issued by the Office of Price Administration.
- (2) The invoiced imported foods are sold to you at a price not exceeding our maximum price as approved by the Office of Price Administration under paragraph (c) (2) of Order No. 38 under the Maximum Import Price Regulation.

(k) *Notification.* With the first delivery of any item priced under this order to each wholesaler or retailer after September 10, 1944, and also with the first delivery to each wholesaler or retailer after any change in the maximum price made in accordance with paragraph (g), the importer shall supply each wholesaler or retailer who purchases from him with a written notice, reading as follows:

(Insert Date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, style of pack,

and container type and size) has been changed in accordance with Order No. 38 under the Maximum Import Price Regulation. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification after (insert effective date of change in maximum price). You must figure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

This notice shall be included in each case, carton, or other receptacle containing the item, or be securely attached to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

This order shall become effective on September 11, 1944.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13596; Filed, Sept. 5, 1944;
11:50 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 71-A 9]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF RESUMPTION OF HEARING ON PROPOSED AMENDMENTS

Notice of resumption of hearing on proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the New York metropolitan marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 900.1 et seq.) and the announcement made on August 17, 1944, by the presiding officer of the hearing on proposed amendments to the New York milk marketing agreement and order (7 CFR, Cum. Supp., 927.0 et seq.; 8 F.R. 8589, 9862; 9 F.R. 4735), which hearing convened on August 15, 1944, at the Hotel Commodore, New York City, notice is hereby given that the said hearing will be resumed on September 20, 1944, at 10:00 a. m., e. w. t., at the McAlpin Hotel, New York City, for the purpose of receiving evidence only with respect to

the following proposed amendments which were included in the notice of hearing issued on July 14, 1944 (9 F.R. 8099):

1. *Emergency in supplying fluid milk to the marketing area.* That portion of § 927.10 of the proposed amendments in the notice of hearing which provides for taking action to meet a shortage of fluid milk for the marketing area.

2. *Butterfat differential to producers.* Increasing the amount of the producer butterfat differential for each one-tenth of one percent of butterfat above or below 3.5 percent in milk delivered by any producer. (See § 927.8 (c) of the proposed amendment in the notice of hearing and § 927.7 (c) of the present order.)

3. *Pool plants.* The proposed provisions with respect to the determination of the plants which are to be in the equalization pool and the method to be followed in making such determinations; the dairy farmers who are to receive minimum prices for milk; and the reports, and payments into the producer-settlement fund, that will be required from handlers with respect to milk received at other than pool plants. (See particularly §§ 927.1, 927.3, 927.6, and 927.9 (h) of the proposed amendments in the notice of hearing.)

NOTE: This will permit full consideration of the question of what plants and dairy farmers are to participate in the producer-settlement fund or the equalization pool.

4. *Basis of classification.* The basis for the classification of milk, including the methods and standards to be used in (a) determining the plant at which milk shall be classified, (b) accounting for milk, and (c) accounting for and classifying plant loss; including the procedure to be followed by the market administrator in issuing rules and regulations relating thereto. (See § 927.4 (a) and (b) and Exhibit A of the proposed amendments in the notice of hearing.)

5. *Changes in minimum class prices.* Changing the minimum class prices for milk, the butterfat from which is classified in (a) all the products included in Classes II-B and II-C under the present order, (b) the frozen desserts or mix in Class II-F under the present order, and (c) the evaporated milk, milk powder, and malted milk powder in Class III under the present order; together with requisite changes in the class definitions for these products to facilitate any changes in the minimum prices for milk in the separate products classified and priced the same under the present order. (See § 927.3 (b) (3), (4), (7), and (8) and § 927.4 (a) (6), (7), (10), and (11) of the present order; and § 927.4 (c) (5), (6), (9), (10), (13), (16), (17), and (25) and § 927.5 (c) (5), (6), (9), (10), (13), (16), (17), and (25) of the proposed amendments in the notice of hearing.)

NOTE: This will permit full consideration of the various proposals for increasing or decreasing the minimum class prices for milk in these products, including the proposal to increase the minimum class price for milk in milk powder by 30 cents per hundredweight and the proposals to establish a formula for pricing such milk.

Before any additional evidence is received on the proposed amendments which were included in the notice of hearing, other than the amendments which are herein specifically referred to, a further notice will be issued and published in the FEDERAL REGISTER.

Copies of this notice may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 4, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-13588; Filed, Sept. 5, 1944;
11:13 a. m.]

WAR PRODUCTION BOARD.

[Certificate 25¹, Amdt. 1]

MANUFACTURERS OF SYNTHETIC RUBBER AND RUBBER-CONSUMING PRODUCTS

EXCHANGE OF TECHNICAL INFORMATION

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, approved June 11, 1942, after consultation with you, I am requesting all manufacturers of synthetic rubber and of rubber-consuming products to collaborate, under the direction and supervision of the War Production Board or Rubber Reserve Company, in the exchange of technical information and in the furtherance of technical improvements, research, developments, and testing relating to the manufacture and utilization of synthetic rubber and the manufacture of rubber-consuming products, upon the express condition and understanding that such information and the results of such improvements, research, developments, and testing will be made available to such persons, in such manner and to such extent as may be prescribed by the War Production Board or Rubber Reserve Company. I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such request, is requisite to the prosecution of the war.

Dated: August 31, 1944.

J. A. KRUG,
Acting Chairman.

[F. R. Doc. 44-13577; Filed, Sept. 5, 1944;
10:11 a. m.]

¹ 7 F.R. 10304.